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Report of the Committee on the Elimination of Discrimination against Women*

Thirtieth session
(12-30 January 2004)

* The present document is the report of the Committee on the Elimination of Discrimination against Women on the work of its thirtieth session. The final report will be issued in *Official Records of the General Assembly, Fifty-ninth Session, Supplement No. 38* (A/59/38), which will include the report of the Committee on its thirty-first session.

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18 March 2004

Letter of transmittal

Sir,

I have the honour to refer to article 21 of the Convention on the Elimination of All Forms of Discrimination against Women, according to which the Committee on the Elimination of Discrimination against Women, established pursuant to the Convention, "shall, through the Economic and Social Council, report annually to the General Assembly of the United Nations on its activities".

The Committee on the Elimination of Discrimination against Women held its thirtieth session from 12 to 30 January 2004 at United Nations Headquarters. It adopted its report on the session at the 647th meeting, on 30 January 2004. The report of the Committee is herewith submitted to you for transmission to the General Assembly at its fifty-ninth session.

Accept, Sir, the assurances of my highest consideration.

(*Signed*) Feride **Acar**
Chairperson
Committee on the Elimination of Discrimination against Women

His Excellency Mr. Kofi Annan
Secretary-General of the United Nations
New York

Chapter I

Matters brought to the attention of States parties

Decisions

Decision 30/I
General recommendation 25 (thirtieth session)

The Committee adopted general recommendation 25 on article 4, paragraph 1, of the Convention, on temporary special measures (see annex I to the present report).

Decision 30/II
Twenty-fifth anniversary of the adoption of the Convention on the Elimination of All Forms of Discrimination against Women

The Committee notes that 2004 marks the twenty-fifth anniversary of the adoption by the General Assembly of the Convention on the Elimination of All Forms of Discrimination against Women. A total of 175 States have since become parties to the Convention. The Committee agrees that this occasion should be marked with a celebratory event at the fifty-ninth session of the General Assembly. The Committee recommends that one meeting in the plenary of the General Assembly, in close proximity to the dates of consideration of the item entitled "Advancement of women" in the Third Committee, be set aside for this purpose, and encourages Member States to participate in this event at a high level.

Decision 30/III
Statement of the Committee on the Elimination of Discrimination against Women on the situation of women in Iraq

The Committee adopted a statement on the situation of women in Iraq (see annex II to the present report).

Chapter II
Organizational and other matters

A. States parties to the Convention on the Elimination of All Forms of Discrimination against Women and to the Optional Protocol

1. As at 30 January 2004, the closing date of the thirtieth session of the Committee on the Elimination of Discrimination against Women, there were 175 States parties to the Convention on the Elimination of All Forms of Discrimination against Women, which was adopted by the General Assembly in its resolution 34/180 of 18 December 1979 and opened for signature, ratification and accession in New York in March 1980. In accordance with article 27, the Convention entered into force on 3 September 1981.

2. On the same date, there were 59 States parties to the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women, which was adopted by the General Assembly in its resolution 54/4 of 6 October 1999 and opened for signature, ratification and accession in New York on 10 December 1999. In accordance with article 16, the Optional Protocol entered into force on 22 December 2000.

3. A list of States parties to the Convention will be contained in annex I to the final report of the Committee for 2004. A list of States parties that have signed, ratified or acceded to the Optional Protocol to the Convention will be contained in annex II. A list of States parties that have accepted the amendment to article 20, paragraph 1, concerning the Committee's meeting time, will be contained in annex III.

B. Opening of the session

4. The Committee held its thirtieth session at United Nations Headquarters from 12 to 30 January 2004. The Committee held 19 plenary meetings (629th to 647th) and held 9 meetings to consider agenda items 5, 6, 7 and 8. A list of the documents before the Committee will be contained in annex IV to the final report.

5. The Chairperson of the Committee, Feride Acar, opened the session. The Under-Secretary-General for Economic and Social Affairs, José Antonio Ocampo, the Assistant Secretary-General and Special Adviser to the Secretary-General on Gender Issues and Advancement of Women, Angela E. V. King, and the Director of the Division for the Advancement of Women, Department of Economic and Social Affairs, Carolyn Hannan, made opening statements.

6. In addressing the Committee at its 629th meeting, on 12 January 2004, the Under-Secretary-General welcomed the opportunity to address the Committee on the Elimination of Discrimination against Women early in his tenure as head of the Department of Economic and Social Affairs, a position he had assumed in September 2003. He drew attention to the emphasis placed by the United Nations system, as well as by Member States at the national level, on the achievement of the Millennium Development Goals. Progress towards those goals required economic growth that was equitable, inclusive, pro-development and supportive of equality between women and men. The outcomes of global conferences and the resolutions

and agreed conclusions of intergovernmental bodies were policy instruments for action at the national and international levels towards achieving the Millennium Development Goals.

7. The Convention on the Elimination of All Forms of Discrimination against Women created legal obligations for States parties to respect, protect, promote and fulfil the rights of women. As a legally binding treaty, the Convention created entitlements for rights holders on the one hand — in this case, women — and obligations for ratifying States to give full effect to the provisions of the Convention, on the other hand. The Convention encompassed the full range of rights and enshrined women's entitlement to enjoy those rights on a basis of equality with men, without discrimination. Consequently, the Committee considered legislative, regulatory and other appropriate means taken by States parties, and their effect on equality between women and men. In doing so, the Committee paid consistent attention to the two dimensions — economic considerations and social policies — that were necessary for progress towards the goals of the Convention, and which were also critical for reaching the Millennium Development Goals.

8. The Under-Secretary-General pointed out that the Committee regularly found that de jure and de facto discrimination against women persisted in essentially all States that reported to the Committee. The Committee's responsibilities to monitor the adherence of States parties to their obligations under the Convention, through the reporting process, and its constructive dialogue with States parties confirmed that that form of monitoring and supervision by an international body of experts was an essential aspect of the protection of the rights of women. In the constructive dialogue with representatives of reporting States, the Committee identified positive developments and addressed gaps in implementation where a State party's efforts fell short of Convention requirements. While implementation strategies for global policy instruments could complement strategies designed to implement the Convention as a whole, the commitments of Governments and action resulting from global conferences did not, however, reduce States parties' obligations under the Convention. The Optional Protocol to the Convention offered an international avenue of redress and constituted an essential new tool for women to remedy discrimination. It should also provide a significant incentive for States parties to intensify their efforts at the national level to eliminate and prevent discrimination against women in law and in practice, and to ensure that women had access to justice in an effective, affordable and expeditious manner. The Committee's work under the Optional Protocol would set important precedents of encouragement for women around the world.

9. The Under-Secretary-General attributed great importance to the Convention and the work of the Committee and expressed his appreciation that the Department of Economic and Social Affairs, which he headed, had the responsibility of providing the Committee with substantive servicing. He assured the Committee of the continuing full support of the Department, in particular that of the Division for the Advancement of Women, and of his personal support for its work.

10. In addressing the Committee at its 629th meeting, the Assistant Secretary-General and Special Adviser on Gender Issues and Advancement of Women welcomed the Committee's new member, Dorcas Ama Frema Coker-Appiah, who had been nominated to complete the term of office of Justice Akua Kuenyehia, who was one of seven women elected to the International Criminal Court.

11. The Special Adviser placed the Committee's mandate in the larger context of the work of the United Nations and the increasingly systematic attention given to gender equality in policy discussions in the United Nations. In the Millennium Declaration, the General Assembly had recognized that gender equality was essential to combating poverty, hunger and disease, and for sustainable development. Her Office and the Division for the Advancement of Women continued to monitor the degree of attention given to gender perspectives in efforts aimed at achieving those goals, in addition to goal 3, on achieving gender equality and the empowerment of women. The Special Adviser remarked that the Convention on the Elimination of All Forms of Discrimination against Women and the work of the Committee were instrumental also for progress in achieving the Millennium Development Goals. Member States were planning to undertake a comprehensive review of progress made in implementing all commitments made in the Millennium Declaration and its Goals in 2005. She encouraged the Committee to consider its contribution to that event so as to ensure that attention was paid to gender dimensions. That event would coincide with the 10-year review and appraisal of the implementation of the Beijing Declaration and Platform for Action and the outcome document of the twenty-third special session of the General Assembly. A questionnaire had been sent to Governments in preparation for the latter review, and reports submitted since 1995 by States parties to the Convention would also be used as a source of information in preparing the review.

12. The Special Adviser reported that the Convention and gender equality had received significant attention during the fifty-eighth session of the General Assembly. A number of States had discussed the status of their reporting obligations and the Committee's past or impending consideration of their reports. States had also provided updates about national measures to strengthen implementation of the Convention. The Division had prepared several reports, including one on the status of the Convention, and another on violence against women migrant workers. A biennial report on the improvement of the situation of women in rural areas reviewed, for the first time, the Committee's contribution to improving the situation of this particular group of women in the framework of the implementation of article 14 of the Convention. The report concluded that the Committee's work complemented that of intergovernmental processes and encouraged Governments, international organizations and other actors to use the Convention and the Committee's concluding comments when formulating policies and designing programmes in support of sustainable rural development. In his report to the General Assembly at its fifty-eighth session on the work of the Organization, the Secretary-General had highlighted human trafficking and its severe impact on women and girls. The entry into force of the United Nations Convention against Transnational Organized Crime, on 29 September 2003, and of its Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, on 25 December 2003, provided a new instrument in the fight against trafficking in women and girls.

13. At its fifty-eighth session, the General Assembly, in its resolution 58/145 on the Convention on the Elimination of All Forms of Discrimination against Women, had decided to biennialize consideration of the question. The General Assembly had also adopted, for the first time, a resolution on the elimination of domestic violence against women (resolution 58/147), in which it inter alia, called upon States parties to the Convention to include in their reports to the Committee information on legal

and policy measures adopted and implemented in their efforts to prevent and eliminate domestic violence against women. Elsewhere the Assembly requested the Secretary-General to conduct an in-depth study on all forms of violence against women, in close cooperation with all relevant United Nations bodies and the Special Rapporteur of the Commission on Human Rights on violence against women (see resolution 58/185). The Division for the Advancement of Women would lead the preparation of the study, which was expected to be completed within two years.

14. Turning to the work of the Commission on the Status of Women, the Special Adviser noted that the Commission would review two thematic issues at its forty-eighth session, in March 2004, namely "the role of men and boys in gender equality" and "women's equal participation in conflict prevention, conflict management and conflict resolution and in post-conflict peace-building". The Division had convened two expert group meetings to prepare the discussions and assist the Commission. One meeting, on the role of boys and men in gender equality, was held in Brasilia in October 2003, and the other, on peace agreements as a means for promoting gender equality and ensuring participation of women, was held in Ottawa in November 2003. The Special Adviser pointed out that her Office was organizing an expert group meeting on enhancing women's participation in electoral processes in post-conflict countries, to be held in Glen Cove, New York, late in January 2004. The findings of that meeting would provide input to the Commission's deliberations in March and to the review of the implementation of Security Council resolution 1325 (2000) on the fourth anniversary of its adoption, in October 2004.

15. The Special Adviser informed the Committee that she had addressed the Human Rights Committee at its seventy-eighth session, on 15 July 2003 in Geneva, and had held a useful and constructive exchange with members of that Committee on a wide range of issues. She had also held discussions with the Acting United Nations High Commissioner for Human Rights on the joint work programme of that Office and her Office and the Division for the Advancement of Women. The Acting High Commissioner had participated in a panel showcasing gender mainstreaming in various areas during the substantive session of the Economic and Social Council, in July 2003. A fifth joint workshop of the United Nations Inter-Agency Network on Women and Gender Equality, which she chaired, and the OECD/DAC Network on Gender Equality (GENDERNET) had been held in Paris in July 2003. The workshop had focused on gender and post-conflict reconstruction and lessons learned from Afghanistan and elsewhere, and aimed to contribute to the increased effectiveness of multilateral and bilateral support for post-conflict reconstruction through the enhanced integration of gender perspectives into that work. The Special Adviser noted that the ratification of the Convention by Afghanistan in March 2003 had greatly propelled the issue of women's equal rights and had helped in the successful inclusion of a relevant provision in the new Constitution of Afghanistan. Lastly, her Office had participated in the first session of the newly established Committee on Women at the Economic and Social Commission for Western Asia (ESCWA), held in Beirut in December 2003.

16. Also at the 629th meeting, the Director of the Division for the Advancement of Women welcomed members to the thirtieth session of the Committee and extended a particular welcome to the Committee's new member, Dorcas Ama Frema Coker-Appiah. The Director informed the Committee that, since its last session, in July 2003, San Marino had ratified the Convention, on 10 December 2003, bringing the

total number of States parties to the Convention to 175. Six States parties, namely Poland, the former Yugoslav Republic of Macedonia, Ukraine, Romania, Serbia and Montenegro and the Philippines, had acceded to the Optional Protocol, bringing the total number of accessions to 59. Three additional States parties had accepted the amendment to article 20, paragraph 1, of the Convention, on the Committee's meeting time, namely Croatia, the Philippines and Uruguay, bringing the total number of acceptances to 43. France had lifted its reservation relating to articles 5 (b) and 16, paragraph 1 (d), made upon ratification. While that increase in the number of States parties was a very welcome development, it also posed new challenges to the Committee to ensure full attention to its mandate under both the Convention and the Optional Protocol within the limited meeting time currently allocated to the Committee.

17. The Division's technical assistance activities aimed at implementation of the Convention remained a critical part of the Division's overall efforts in support of the protection and promotion of the human rights of women. They also aimed to contribute to timely reporting by States parties to the Convention. Since the last session, a subregional workshop on reporting under the Convention had been organized for 13 African countries, hosted by the Government of the United Republic of Tanzania in Arusha from 11 to 13 September 2003. The Committee's former Chairperson, Charlotte Abaka, and Ineke Boerefijn, senior researcher at the Netherlands Institute for Human Rights, served as resource persons. The Division had also organized a judicial colloquium from 9 to 11 September, also in Arusha, for judicial practitioners from 11 African countries, on the use of international human rights law, specifically the Convention, in domestic courts. Justice Unity Dow of the High Court of Botswana, retired Justice Sujata Manohar of the Supreme Court of India, and Ms. Boerefijn served as resource persons. The participants adopted a declaration of commitments on the role of the domestic judge in the application of international human rights law at the domestic level, which was available on the Division's web site. The Division had assisted the Government of Mali, at its request, in the review of its combined second to fifth periodic report. Ahua Ouedraogo, a former member of the Committee, had conducted a series of technical meetings with officials from various ministries on the form and content of reports in order to clarify the provisions of the Convention, identify remaining gaps in the draft and possible sources of information, and establish a timetable for the finalization of the report of Mali.

18. A financial contribution from the Government of New Zealand for technical cooperation activities in support of Convention implementation in countries emerging from conflict had enabled the Division to initiate work with Afghanistan and Sierra Leone aimed at raising awareness and understanding of Convention rights and the resultant obligations of States parties, and at enhancing the capacity of government officials to implement the Convention. The Division had also received a financial contribution from the Swedish International Development Agency for the preparation of a Convention implementation kit, which would consist of an implementation manual and a training kit. The Division had financially supported the meeting of the Committee's drafting group, held in Berlin in October 2003, to finalize the revised draft general recommendation on article 4, paragraph 1, of the Convention.

19. The Division, together with the Committee's Chairperson, had participated in a one-day briefing session for parliamentarians, held at Geneva on 4 October. The

meeting had been a follow-up activity to the joint publication by the Division and the Inter-Parliamentary Union of the Handbook for Parliamentarians on the Convention, which had been launched in April 2003. The Division hoped to build on that experience in the future. The Division had participated, on behalf of the Office of the Special Adviser on Gender Issues and Advancement of Women, in a two-day conference, organized and hosted by the Government of Croatia and the United Nations Development Fund for Women (UNIFEM) in Dubrovnik, on 25 and 26 October, on the implementation of the Convention in six countries of Central and Eastern Europe. The event had been spearheaded by three members of the Committee, Dubravka Šimonović, Victoria Popescu and Krisztina Morvai, and the Committee's Chairperson had served as the keynote speaker. Finally, the Director reported that the Division had participated in a two-day brainstorming session convened by the Special Rapporteur on violence against women, in Istanbul on 7 and 8 December 2003, on the future direction of the mandate of the Special Rapporteur. The Committee was scheduled to meet with the Special Rapporteur, Yakin Ertürk, during the thirtieth session.

20. Turning to the Committee's efforts to keep the efficiency and effectiveness of its working methods under review, the Director noted that timely reporting and timely consideration of reports received were one aspect of the Convention's full implementation at the national level. At the current session, the Committee would consider options for the effective consideration of reports. A second aspect of enhanced implementation at the national level concerned the common efforts of all treaty bodies to ensure that reporting did indeed fulfil that purpose. In follow-up to the second inter-committee meeting, held in June 2003, the Committee would have an opportunity to discuss with a representative of the Office of the United Nations High Commissioner for Human Rights steps taken by the secretariat to implement the recommendations of that meeting in relation to draft guidelines for an expanded core document for consideration by each Committee and adoption at the third inter-committee meeting in 2004, and in relation to greater harmonization of the reporting guidelines for each treaty body.

21. The Director concluded by reviewing the Committee's work for its thirtieth session. It would consider the initial reports of two States parties, Bhutan and Kuwait, as well as the periodic reports of six States parties, namely Belarus, Ethiopia, Germany, Kyrgyzstan, Nigeria and Nepal. The Committee would continue its work under the Optional Protocol to the Convention, and review its working methods, including the option of meeting in parallel working groups for consideration of periodic reports (see CEDAW/C/2004/I/4 and Add.1 and 2). The Committee was planning to adopt general recommendation No. 25 with regard to article 4, paragraph 1, of the Convention, on temporary special measures. In accordance with its tradition and practice, the Committee would meet with non-governmental organizations and with representatives of entities of the United Nations system to hear information about the implementation of the Convention in the reporting States. The Director assured the Committee of the full support of the Division for the Advancement of Women in its work.

C. Attendance

22. All twenty-three members of the Committee attended the thirtieth session.

23. A list of the members of the Committee, indicating the duration of their terms of office, will appear in annex V to the final report.

D. Solemn declaration

24. At the 629th meeting, before assuming her functions, Dorcas Ama Frema Coker-Appiah, who had been nominated by her Government and approved by the Committee, in accordance with article 17.7 of the Convention, to complete the remainder of the term of office of Akua Kuenyehia, made the solemn declaration provided for under rule 15 of the Committee's rules of procedure.

E. Adoption of the agenda and organization of work

25. The Committee considered the provisional agenda (CEDAW/C/2004/I/1) at its 629th meeting. The agenda was adopted as follows:

1. Opening of the session.
2. Solemn declaration by a new member of the Committee.
3. Adoption of the agenda and organization of work.
4. Report of the Chairperson on activities undertaken between the twenty-ninth and the thirtieth sessions of the Committee.
5. Consideration of reports submitted by States parties under article 18 of the Convention on the Elimination of All Forms of Discrimination against Women.
6. Implementation of article 21 of the Convention on the Elimination of All Forms of Discrimination against Women.
7. Ways and means of expediting the work of the Committee.
8. Activities of the Committee under the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women.
9. Provisional agenda for the thirty-first session.
10. Adoption of the report of the Committee on its thirtieth session.

F. Report of the pre-session working group

26. At its ninth session, the Committee decided to convene a pre-session working group for five days prior to each session to prepare lists of issues and questions relating to the periodic reports that would be considered by the Committee at the subsequent session. The pre-session working group for the thirtieth session of the Committee met from 21 to 25 July 2003.

27. The following members, representing different regional groups, participated in the working group: Huguette Bokpe Gnacadja (Africa), Aída González (Latin America and the Caribbean), Salma Khan (Asia), Dubravka Šimonović (Eastern Europe) and Regina Tavares da Silva (Western Europe). The pre-session working group elected Ms. González as its Chairperson.

28. The working group prepared lists of issues and questions relating to the reports of the following States parties: Belarus, Ethiopia, Germany, Kyrgyzstan, Nepal and Nigeria.

29. At the 629th meeting, Ms. González introduced the report of the pre-session working group (see CEDAW/PSWG/2004/I/CRP.1 and Add.1-6 and CRP.2 and Add.1-5).

G. Organization of work

30. At the 629th meeting, the Chief of the Women's Rights Section of the Division for the Advancement of Women introduced item 6, implementation of article 21 of the Convention, and item 7, ways and means of expediting the work of the Committee. Under item 6, two specialized agencies, namely the Food and Agriculture Organization of the United Nations, and the United Nations Educational, Scientific and Cultural Organization had submitted reports in accordance with article 22 of the Convention (CEDAW/C/2004/I/3 and Add.1 and 3). The text of a revised draft general recommendation on article 4, paragraph 1, of the Convention, prepared by the Committee's drafting group was available to members of the Committee (CEDAW/C/2004/I/WP.1). Under item 7, a report on ways and means of expediting the work of the Committee (CEDAW/C/2004/I/4) summarized relevant developments since the Committee's previous session. Addendum 1 to that report contained an overview of the Committee's current working methods. Addendum 2 responded to the Committee's request to prepare, for discussion at the thirtieth session, a note on the implications and possible modalities of the consideration of reports of States parties in two parallel working groups or chambers. Also before the Committee was a report on the status of submission of reports by States parties under article 18 of the Convention, including a list of reports that had been submitted but not yet considered by the Committee. Those matters would be taken up by the Committee as a Working Group of the Whole.

31. At the 629th meeting, the Chairperson of the Commission on the Status of Women, Kyung-wha Kang (Republic of Korea), addressed the Committee.

32. At the 642nd meeting, on 22 January 2004, the Chief of the Treaties and Commission Branch of the Office of the United Nations High Commissioner for Human Rights, Maria Francisca Ize Charrin, addressed the Committee. She provided an update on recent developments, including the restructuring of the servicing of Geneva-based treaty bodies; work under way in follow-up to the recommendations of the second inter-committee meeting and the meeting of chairpersons of human rights treaty bodies concerning an expanded core document and targeted reports; and activities undertaken by the Office of the High Commissioner.

33. The Committee met in closed meeting on 29 January 2004 with Yakin Erhīrk, Special Rapporteur of the Commission on Human Rights on violence against women, its causes and consequences.

Chapter III

Report of the Chairperson on the activities undertaken between the twenty-ninth and thirtieth sessions

34. The Chairperson of the Committee, Feride Acar, thanked Mr. Ocampo, Ms. King and Ms. Hannan for their opening statements. She extended a warm welcome to Dorcas Ama Frema Coker-Appiah, who would be completing the term of office of Akua Kuenyehia, who had been elected to the International Criminal Court.

35. The Chairperson briefed the Committee on her attendance at the fifty-eighth session of the General Assembly, in October 2003, when she addressed the Third Committee. The participation of the Committee Chairperson in the work of the General Assembly constituted an important element in linking the work of the treaty Committee with the political processes of the United Nations. It was an important reaffirmation that policy and treaty-based approaches to gender equality and the advancement of women must go hand in hand for true and sustainable progress to be achieved. As the goal of universal ratification of the Convention remained to be achieved, the annual participation of the Committee Chairperson in the Assembly was a much-needed reminder for all States parties of commitments to universal ratification, by the year 2000, of the Convention. Member States had agreed to that goal at the World Conference on Human Rights, held in Vienna in 1993, and reaffirmed it at the Fourth World Conference on Women, held in Beijing in 1995.

36. The Chairperson indicated that she had briefed the General Assembly about the work of the Committee under article 18 of the Convention, and had noted some of the common trends and challenges the Committee had identified during the consideration of reports and the Committee's recommendations thereon. She had referred to the Committee's concern about the status of women's human rights, as enshrined under the Convention, in the post-war era in Iraq, a State party to the Convention. She had informed the Assembly about the Committee's concern in relation to the non-reporting by States parties, and the steps taken by the Committee to address those delays, including her letter to those 29 States parties whose initial reports were five years overdue on 18 July 2003, and her letter to the Administrator of the United Nations Development Programme to encourage him to support States parties in the implementation of their reporting obligations. She had highlighted before the Assembly the Committee's continuing commitment to enhancing its working methods, including the Committee's decision to examine, at its thirtieth session, the option of considering periodic reports in parallel working groups rather than in plenary meeting.

37. The Chairperson drew the attention of the Committee to the fact that a total of 33 States parties were awaiting consideration of their reports. Since the closing of the twenty-ninth session in July 2003, 14 States had submitted their reports. That number was sufficient to fill sessions until January 2006, not taking into account additional reports that would be received. Reporting States parties would have to wait an average of two to two-and-a-half years after submission for their reports to be considered by the Committee, and the Chairperson underlined the potentially discouraging impact of that lag on State party reporting.

38. Turning to other activities, the Chairperson reported that, in October 2003, she had briefed a group of parliamentarians in a day-long session on the Convention and

its reporting process that had been organized by the Division and the Inter-Parliamentary Union in Geneva. The Handbook for Parliamentarians was being translated into the other official languages of the United Nations. It had been translated into Turkish and would be launched shortly in Ankara.

39. The Chairperson had delivered a keynote address at the meeting held in Dubrovnik on the implementation of the Convention in six countries of Central and Eastern Europe (see para. 19 above). She commended Ms. Šimonović who, together with Ms. Popescu and Ms. Morvai, had conceptualized the meeting itself, as well as the preparatory work that had been undertaken at the national level in the six participating countries. The meeting in Dubrovnik had been a gratifying experience as it had provided a platform for an effective review and evaluation of some provisions of the Convention, and had constituted an example of cooperation among the different United Nations entities (the Committee on the Elimination of Discrimination against Women, the Division for the Advancement of Women and UNIFEM) mandated to address women's human rights and the advancement of women at various levels. She congratulated the organizers and the participants for the success of the effort and looked forward to similar activities in other regions towards ensuring the full implementation of the Convention. The Chairperson expressed her hope that the results of the Dubrovnik meeting would now form a solid basis for an institutional framework for continuing attention to the Convention and its implementation in the six participating countries.

40. In her personal capacity, the Chairperson had participated in, and delivered the keynote addresses in symposiums entitled "Policy dialogue on gender equality 2003", organized by the Gender Equality Bureau of the Cabinet Office of Japan, and held in Tokyo and Okiyama. In the wake of the consideration of Japan's fourth and fifth periodic reports by the Committee in July 2003, the occasion had been a timely and effective opportunity to discuss women's human rights from a global perspective and review international commitments and national action in the presence of large groups of participants from both Government and civil society in Japan. She was gratified to observe that the provisions of the Convention and the work of the Committee were held in high esteem and helped provide guidelines for efforts to achieve gender equality in Japan.

41. The Chairperson had also participated in a two-day brainstorming session convened by Ms. Ertürk, Special Rapporteur on violence against women, in Istanbul, on 7 and 8 December 2003, which had brought together representatives of several non-governmental organizations. The participation of representatives of the Office of the United Nations High Commissioner for Human Rights, UNIFEM and the Division for the Advancement of Women in that meeting had been an important reflection of the commitment on the part of those three entities to support the mandate of the Special Rapporteur, especially at a time of notable difficulties in finding consensus at the global level for further policy development in relation to violence against women. Her own participation had allowed her to bring to the discussion the critical work done by the Committee in relation to violence against women and to highlight some of the challenges the Committee had identified through its work. The Special Rapporteur had accepted her invitation to meet with the Committee during the thirtieth session.

42. Once the Loya Jirga in Afghanistan had adopted a new Constitution which included an explicit guarantee of the equal rights of women and men, the

Chairperson had issued a statement to the press applauding that historic achievement, and pledging support to ensure the full and effective implementation of the Convention in Afghanistan.

43. The year 2004 would mark the twenty-fifth anniversary of the adoption by the General Assembly of the Convention. The occasion should be used to convey to the international community the achievements in protecting and promoting women's human rights and the obstacles that still lay ahead before reaching the goal of universal implementation of the principles of the Convention. Likewise, it should be used to enhance the voice and visibility of the Committee as the legally mandated international "watchdog" of women's human rights. On the basis of preliminary consultations with the secretariat, plans would be made for an international event to commemorate the twenty-fifth anniversary of the Convention during the fifty-ninth session of the General Assembly, in October 2004.

Chapter IV

Consideration of reports submitted by States parties under article 18 of the Convention

A. Introduction

44. At its thirtieth session, the Committee considered the reports of eight States parties submitted under article 18 of the Convention: the combined initial and second periodic report of one State party; the combined initial, second, third, fourth, fifth and sixth periodic report of one State party; the second periodic report of one State party; the combined second and third periodic report of one State party; the combined fourth and fifth periodic reports of two States parties; the combined fourth, fifth and sixth periodic report of one State party; and the fifth periodic report of one State party.

45. The Committee prepared concluding comments on each of the States parties' reports considered. The Committee's concluding comments, as prepared by members of the Committee, and a summary of the introductory presentations by the representatives of the States parties are set out below.

B. Consideration of reports of States parties

1. Combined initial and second periodic report

Kuwait

46. The Committee considered the combined initial and second periodic report of Kuwait (CEDAW/C/KWT/1-2) at its 634th, 635th and 643rd meetings, on 15 and 23 January 2004 (see CEDAW/C/SR.634, 635 and 643).

Introduction by the State party

47. In introducing her country's combined initial and second periodic report, the representative of Kuwait stated that her Government had acceded to the Convention on the Elimination of All Forms of Discrimination against Women in 1994. The report highlighted the general, legal, social, economic and political framework and the policy of the State towards the elimination of discrimination against women as well as the constitutional and legislative provisions relating to the articles of the Convention.

48. The representative noted that some challenges to the elimination of discrimination against women remained, for example in regard to women's enjoyment of full political rights. His Highness the Amir had attempted to remedy that situation by the adoption of an Amiri Decree in May 1999, which was, however, subsequently defeated in the National Assembly by a very slim margin. In order to rectify that situation, the Government had recently announced its intention to present, during the current legislative session, legislation that would grant women their full political rights.

49. A multitude of mechanisms had been created to guarantee women the full enjoyment of their fundamental freedoms and rights. The representative noted in particular the higher centre for children and family, the Cabinet women's centre, the

maternal and child centre and the division for family and women's affairs. Several grass-roots movements, institutions and non-governmental organizations also endeavoured to safeguard and promote the rights of women. Their activities covered women's issues as well as social and humanitarian concerns. Several civil society organizations had provided humanitarian assistance for women in countries in the region.

50. The representative drew attention to the high level of human development of Kuwait. Recent reports indicated a low infant mortality rate of 9 per 1,000, and a maternal mortality rate of 5 per 100,000. According to the *Arab Human Development Report 2003*, 67 per cent of students in higher education were female. In 1995, the illiteracy rate stood at 11 per cent, down from 50.5 per cent in 1980. In 2002, women's participation in the economy stood at 36 per cent, without counting the informal sector.

51. Particular attention was devoted in the national law to the situation of female civil servants in special situations. For example, the law provided for leave with full pay to care for a sick child. Leave with full pay of up to one year or more was granted to the mother or wife of a captive or missing person.

52. Notwithstanding those achievements, certain shortcomings could be found in regard to the full implementation of all provisions of the Convention. They were addressed in an evolutionary process that took into account the country's cultural nuances and constitutional processes.

53. The representative noted that the issue of prisoners of war was a major concern at the national level. Within that framework, the Government of Kuwait had presented to the General Assembly at its fifty-eighth session a draft resolution on the treatment of female prisoners of war, in order to achieve further protection of female prisoners of war and hostages under international law. The Government hoped for a successful outcome for that initiative at a future session of the Assembly.

54. In conclusion, the representative noted that the report had been prepared in accordance with the Committee's guidelines. She expressed regret that, owing to exceptional circumstances, the report had had to be presented by representatives from the Permanent Mission of Kuwait to the United Nations. She looked forward to the Committee's comments on the combined initial and second periodic report of Kuwait.

Concluding comments of the Committee

Introduction

55. The Committee commends the State party for its combined initial and second periodic report, which complies with the Committee's guidelines for the preparation of initial reports.

56. The Committee notes that reservations have been made by the State party to article 7 (a), article 9, paragraph 2, and article 16 (f) of the Convention.

Positive aspects

57. The Committee notes with satisfaction that the Convention has been published in the Official Gazette, thus giving it the force of national law. It also notes the efforts made in 1999, through an Amiri Decree, to grant women their full political rights.

58. The Committee commends the establishment of institutional mechanisms for the advancement of women. The Committee also notes the existence, within the National Assembly, of a standing committee on human rights, which is tasked with, inter alia, studying and proposing amendments to national legislation to guarantee and safeguard human rights.

59. The Committee commends the progress made in reducing the rate of female illiteracy in Kuwait. The Committee also commends the high level of education attained by girls and women in Kuwait and the high enrolment rates of girls and women at all levels of education.

Principal areas of concern and recommendations

60. The Committee expresses concern at the reservations entered by the State party to article 7 (a), article 9, paragraph 2, and article 16 (f) of the Convention. While welcoming the State party's stated intention to introduce legislation during the current legislative period that is expected to create the conditions for the withdrawal of the reservation to article 7 (a), the Committee is concerned at the failure of the State party to ensure that women have, on equal terms with men, the right to vote in all elections and public referendums, and to be eligible for election to all publicly elected bodies. The Committee considers the lack of political rights of women a very serious limitation of their rights, which also has a significant negative impact on women's enjoyment of other rights protected under the Convention.

61. **The Committee calls upon the State party to take all necessary steps, as a matter of the utmost urgency, to introduce and actively support the adoption of legislation to amend the discriminatory provisions of the Electoral Law in line with the constitutional guarantee of equality and in order to ensure compliance with the Convention. The Committee encourages the State party to expedite the necessary steps for the withdrawal of its reservation to article 7 (a) of the Convention, which it believes to be contrary to the object and purpose of the Convention. The Committee draws the State party's attention to its general recommendation 23, on women in political and public life. The Committee also calls upon the State party to expedite the necessary steps for the withdrawal of its reservations to article 9, paragraph 2, and article 16 (f) of the Convention. The Committee draws the State party's attention to its general recommendation 21, on equality in marriage and family relations. The Committee requests the State party to provide, in its next report, comprehensive information on the effect of its reservations on the implementation of the provisions of the Convention and the situation of women in Kuwait, and in this regard, draws attention to its statement on reservations[1] and its guidelines for the preparation of reports.**

[1] See *Official Records of the General Assembly, Fifty-third Session, Supplement No. 38* (A/53/38/Rev.1), part two, chap. I, sect. A.

62. The Committee is concerned that, although the Constitution of Kuwait embodies the principles of the Convention, there is a lack of clarity with regard to the primacy of the Convention over conflicting or contradictory national laws, and the direct applicability and enforceability of the Convention in Kuwaiti courts.

63. **The Committee requests the State party to ensure the primacy, direct applicability and enforceability of the Convention within the national legal framework of Kuwait. The Committee recommends that the State party launch a comprehensive programme of dissemination, education and training on the Convention, in particular for government officials and legislators, as well as judicial officers, including law enforcement officials and the judiciary, and for civil society and the public at large with a view to ensuring that the provisions of the Convention are known and implemented in Kuwait.**

64. The Committee, while noting that general principles of equality and non-discrimination are guaranteed in articles 7 and 29 of the Constitution and contained in domestic legislation, is concerned at the lack of specific definitions of discrimination against women, in national law, in accordance with article 1 of the Convention.

65. **The Committee calls on the State party to take urgent steps to incorporate the definition of discrimination against women as contained in article 1 of the Convention in its national legislation.**

66. The Committee expresses concern at the continuing existence of de jure discrimination against women in various laws, including the Nationality Act, the Personal Status Act, the Civil Code and the Private Sector Employment Act. In particular, the Committee is concerned that the Nationality Act allows Kuwaiti women to transfer their nationality to their children only in specific circumstances, such as when the nationality of the father is unknown or if he is stateless or deceased, or after an irrevocable divorce. The Committee is also concerned that provisions in the Personal Status Act and the Civil Code establish different rights and responsibilities for women and men in issues related to marriage and family relations, including in regard to the minimum age of marriage for women and men; divorce; and guardianship of children.

67. **The Committee calls upon the State party to undertake a comprehensive review of all existing laws, including the Nationality Act, and to amend or repeal discriminatory provisions so as to ensure compliance with the provisions of the Convention. The Committee urges the State party to raise the minimum age of marriage for women and men to 18 years, in line with the Convention on the Elimination of All Forms of Discrimination against Women and the Convention on the Rights of the Child.**

68. While commending the progressive development of the national machinery for the advancement of women in Kuwait, the Committee is concerned at the lack of clarity regarding the mandate and responsibilities of the existing institutions, in particular with regard to the coordination of gender equality initiatives across all sectors of Government, and the human and financial resources available to such institutions. The Committee is also concerned at the lack of a comprehensive and coordinated strategy to promote gender equality and to ensure the integration of gender perspectives at all levels and in all areas of legislative and policy development.

69. **The Committee requests the State party to clarify, in its next report, the mandate and responsibilities of the various components of the national machinery, coordination among them, and the resources allocated to them. The Committee urges the State party to ensure that the national machinery involves more women at the decision-making level and is provided with adequate visibility, power and resources to effectively promote the advancement of women. The Committee also recommends that the State party develop, adopt and implement, at the national level, a comprehensive and coordinated plan of action to promote gender equality and to ensure gender mainstreaming at all levels and in all areas.**

70. The Committee is concerned about the persistence of traditional stereotypes regarding the role and responsibilities of women and men in the family and in society at large, and the reflection of such stereotypes in legislation, policies and programmes.

71. **The Committee urges the State party to design, implement and strengthen comprehensive awareness-raising measures to foster a better understanding of equality between women and men, at all levels of society, with a view to eradicating traditional stereotypes regarding the role and responsibilities of women and men in the family and society. It also recommends that the State party encourage the media to promote cultural changes with regard to the roles and responsibilities attributed to women and men, as required by article 5 of the Convention.**

72. The Committee expresses its concern at the lack of diversified employment opportunities for women despite the high level of education attained by girls and women in all areas. The Committee notes with concern that restrictions on women's employment, as well as protective employment legislation, policies and benefits for women, perpetuate traditional stereotypes regarding women's roles and responsibilities in public life and in the family.

73. **The Committee urges the State party to increase its efforts towards accelerating the achievement of de facto equal opportunities for women and men in the area of employment through, inter alia, the use of temporary special measures in accordance with article 4, paragraph 1, of the Convention, and general recommendation 25. The Committee recommends that measures be taken to promote change concerning the stereotypical expectations of women's roles and to promote the equal sharing of domestic and family responsibilities between women and men.**

74. The Committee expresses its concern at the lack of detailed information and statistical data on women's representation, particularly in decision-making positions, in various areas of public life, including in law enforcement, the judiciary and the diplomatic corps.

75. **The Committee requests that the State party provide such information in its next report. The Committee also recommends that the State party take measures to increase the representation of women in all areas of public life, including at the decision-making level, and in law enforcement, the judiciary and the diplomatic corps, through the use of temporary special measures, in accordance with article 4, paragraph 1, of the Convention, and general recommendation 25, as well as general recommendation 23. The Committee**

encourages the State party to undertake and support awareness-raising programmes on the importance of women's representation, in particular at decision-making levels, in all areas of public life.

76. In view of the fact that the number of non-Kuwaiti nationals exceeds the number of Kuwaiti citizens in Kuwait, the Committee is concerned at the lack of information and statistical data on the situation and legal status of non-Kuwaiti women, including domestic migrant workers, in particular with regard to their employment conditions and socio-economic benefits, as well as enjoyment of their rights to education and health.

77. **The Committee requests the State party to provide, in its next report, detailed information and statistical data on the situation of non-Kuwaiti women, in particular with regard to education, health and employment. The Committee also requests information about the availability of services and programmes for protecting women domestic migrant workers from violence and abuse and the availability of legal and administrative remedies. The Committee also requests information on steps taken to inform women migrant workers about the availability of such services and remedies.**

78. The Committee expresses concern at the lack of information about the prevalence and forms of violence against women and girls, including domestic violence, and about the programmes and services available to victims of violence.

79. **The Committee requests the State party to recognize that violence against women constitutes a violation of the human rights of women under the Convention. It urges the State party to undertake the systematic collection of sex-disaggregated data on all forms of violence against women, including domestic violence, as well as research into the extent and root causes of such violence, including against women migrant workers and non-Kuwaiti women, and to provide such information in its next report. In the light of general recommendation 19, the Committee calls upon the State party to ensure that all forms of violence against women and girls are prosecuted and punished promptly and that victims have immediate means of redress and protection. The Committee requests the State party to take measures to fully sensitize public officials, especially law enforcement officials, the judiciary and health-care providers, and to train them to handle such situations adequately. The Committee invites the State party to undertake awareness-raising measures aimed at the public at large to make such violence socially and morally unacceptable.**

80. **The Committee encourages the State party to enhance collaboration and coordination with civil society organizations, in particular women's associations, to strengthen implementation of the provisions of the Convention, and to engage in consultations with such organizations when preparing its next report.**

81. **The Committee encourages the State party to ratify the Optional Protocol to the Convention and to accept, as soon as possible, the amendment to article 20, paragraph 1, of the Convention, concerning the meeting time of the Committee.**

82. **The Committee requests the State party to respond to the concerns expressed in the present concluding comments in its next periodic report under**

article 18 of the Convention. The Committee invites the State party to submit its third periodic report, which was due in 2003, and its fourth periodic report, due in 2007, in a combined report in 2007.

83. **Taking account of the gender dimensions of declarations, programmes and platforms for action adopted by relevant United Nations conferences, summits and special sessions, such as the special session of the General Assembly to review and appraise the implementation of the Programme of Action of the International Conference on Population and Development (the twenty-first special session), the special session of the General Assembly on children (the twenty-seventh special session), the World Conference on Racism, Racial Discrimination, Xenophobia and Related Intolerance and the Second World Assembly on Ageing, the Committee requests the State party to include in its next periodic report information on the implementation of aspects of those documents relating to relevant articles of the Convention.**

84. **The Committee requests the wide dissemination in Kuwait of the present concluding comments in order to make the people, in particular government administrators and politicians, aware of the steps that have been taken to ensure de jure and de facto equality of women, as well as the further steps that are required in this regard. The Committee requests the Government to continue to disseminate widely, in particular to women's and human rights organizations, the Convention, its Optional Protocol, the Committee's general recommendations, the Beijing Declaration and Platform for Action and the outcome of the twenty-third special session of the General Assembly, entitled "Women 2000: gender equality, development and peace for the twenty-first century".**

2. Combined initial, second, third, fourth, fifth and sixth periodic report

Bhutan

85. The Committee considered the combined initial, second, third, fourth, fifth and sixth periodic report of Bhutan (CEDAW/C/BTN/1-3 and CEDAW/C/BTN/1-6/Corr.1) at its 636th and 642nd meetings, on 16 and 22 January 2004 (see CEDAW/C/SR.636 and 642).

Introduction by the State party

86. In introducing the report, the representative of Bhutan described the country's significant progress since the inception of planned economic development in 1961, characterized by equitable socio-economic progress, the establishment of a democratic framework of governance and preservation of the country's rich cultural heritage and environment. In 1998, the legislative, executive and judicial branches of government had been separated and executive powers had been devolved from the King to an elected Council of Ministers. A constitution was currently being drafted to provide a long-term institutional framework for political, legal, social and economic governance.

87. The representative noted that since the ratification of the Convention in 1981, without reservations, the Government had taken consistent steps to progressively comply with the Convention and its reporting obligations. It had strengthened its institutional capacity for preparation of reports, including establishment of the

Office of Legal Affairs, the International Conventions Division of the Ministry of Foreign Affairs and the National Commission for Women and Children. A committee and a forum of gender focal points in various ministries under the leadership of the Planning Commission Secretariat had also been created to monitor the implementation of the Convention.

88. In the preparation of the report before the Committee, the first-ever baseline gender pilot study had been completed in 2001, and three studies, on health, education, and water and sanitation, had also been undertaken. Workshops and consultations had been held involving government focal points, representatives from United Nations agencies and stakeholders from civil society. The Convention and the updated summary of the report had been translated into the local languages and disseminated to the population to raise awareness of gender issues.

89. A number of laws had been adopted prior to and following the ratification of the Convention in 1981. The General Law of 1957 had guaranteed women equality before the law and the Inheritance Act of 1980 had guaranteed women rights to land and property. Other laws included the Marriage Act of 1980 and its amendment of 1996 on equality in marriage and family life, and the Police Act of 1980 and Prison Act of 1982 protecting the rights of women serving prison sentences. The Rape Act of 1996 was being incorporated into the draft Penal Code; it protected women against sexual abuse and provided for severe financial penalties and prison sentences for offenders. Trafficking in women was prohibited, and Bhutan had ratified, in 2003, the South Asian Association for Regional Cooperation (SAARC) Convention on Preventing and Combating Trafficking in Women and Children for Prostitution.

90. Since 1961, there had been significant improvements in women's health, education and employment. Given the significant growth in the number of hospitals, health units and indigenous treatment centres providing free access to health services, maternal mortality had been significantly reduced. Girls accounted for 47 per cent of the total enrolment as a result of the Government's focus on promoting girls' education. Women had also overwhelmingly benefited from non-formal education programmes.

91. No formalized gender bias existed in employment, women increasingly owned and ran businesses, and labour policies ensured equal wage rates. Women enjoyed equal opportunities and pay in the civil service and made up 40 per cent of participants in vocational training institutes. There was no distinct division of labour between women and men in most rural areas, and women and men shared domestic and agricultural work equally.

92. Turning to women in decision-making positions, the representative noted that women now made up 26 per cent of the civil service. In 2003, two women had been appointed as Foreign Secretary and Finance Secretary. Their Majesties the Queens had become very actively engaged in international and regional forums. While women were well represented in public village meetings, their participation in elections for public office remained low. A total of 12 of the 100 elected people's representatives to the National Assembly and 1 of the 6 Royal Councillors were women.

93. In concluding, the representative highlighted challenges to the full achievement of the goals of the Convention. They included the need to eradicate

indirect forms of gender bias existing within the society or emerging as a consequence of change. Despite equal opportunities and entitlements, and the equal legal status of women and men, differences remained in women's access to education, enterprise development and governance, also influenced by societal perceptions that women were weaker and more vulnerable. The process of modernization, the subsequent shifts in traditional roles and responsibilities, changes in value systems and transformation of family patterns also necessitated continuing change in regard to women's rights and legal remedies. The representative assured the Committee of Bhutan's commitment to the full implementation of the Convention.

Concluding comments of the Committee

Introduction

94. The Committee commends the State party for ratifying the Convention without reservations, and expresses its appreciation to the State party for its combined initial, second, third, fourth, fifth and sixth periodic report, while regretting the fact that the report was long overdue and does not fully comply with the Committee's guidelines for the preparation of initial reports.

95. The Committee congratulates the State party for its high-level delegation headed by the Minister for Labour and Human Resources. The Committee appreciates the frank and constructive dialogue that took place between the delegation and the members of the Committee.

Positive aspects

96. The Committee welcomes the significant progress achieved by the State party from 1984 to 2000 in improving the welfare of its people, including its women, such as a decrease in maternal mortality from 7.7 to 2.5 per 1,000 live births.

97. The Committee welcomes the political commitment expressed by the State party during the constructive dialogue to fully implement the provisions of the Convention and to further improve the progress achieved so far in some areas.

98. The Committee commends the commitment made by the State party to make it mandatory for the recently restructured and strengthened National Statistical Bureau as an autonomous body to collect data disaggregated by sex.

Principal areas of concern and recommendations

99. The Committee is concerned that existing legislation does not contain a specific definition of discrimination against women in accordance with article 1 of the Convention, which prohibits both direct and indirect discrimination.

100. **The Committee urges the State party to take full advantage of the ongoing process of elaborating a constitution to include the principle of equality between women and men, as well as a definition of discrimination against women, in the draft Constitution. The Committee recommends that, in drafting its Constitution, the State party also be guided by other International human rights instruments. The Committee calls on the State party to adopt its draft Constitution in an expeditious manner.**

101. The Committee is concerned that, in the event of conflict between the international conventions to which Bhutan is a party and domestic legislation, domestic law may prevail.

102. **The Committee recommends that the State party incorporate in the Constitution the primacy of international conventions to which Bhutan is a party over domestic law in case of conflict. The Committee also recommends that the State party under all circumstances undertake awareness-raising and sensitization of the judiciary and other law enforcement authorities about the Convention.**

103. The Committee notes with concern the lack of specific information concerning the mandate and the human and financial resources of the existing national machinery for the advancement of women.

104. **The Committee recommends that the State party strengthen the existing national machinery, clarify its mandate and provide it with adequate decision-making power and human and financial resources to work effectively for the promotion of women's human rights at all levels, and enhance coordination among the existing mechanisms for the advancement of women and the promotion of gender equality, including the Planning Commission and the National Statistical Bureau. It also urges the State party to ensure that the National Commission for Women and Children becomes fully functional and is guided in its work by the provisions of the Convention on the Elimination of All Forms of Discrimination against Women and the Convention on the Rights of the Child to ensure full promotion and protection of the rights of women and girls.**

105. The Committee expresses concern that policies and programmes are mostly gender neutral and that they were formulated without attention to gender perspectives and to discrimination and inequality faced by women and girls.

106. **The Committee urges the State party to mainstream gender perspectives when formulating and implementing policies and programmes, as well as in monitoring and assessing progress achieved. It also urges the State party to implement policies and programmes specifically addressed to women and girls, including the next five-year plan for women, 2006-2010, in order to accelerate the achievement of substantive equality. It urges the State party to apply temporary special measures according to article 4, paragraph 1, of the Convention and general recommendation 25, inter alia, in the education, employment and professional fields, in order to accelerate the progress in achieving gender equality.**

107. The Committee, while welcoming the progress in promoting women's political participation and noting that several women hold high ministerial posts, expresses concern at the low representation of women in decision-making bodies in the various areas and levels of political and public life.

108. **The Committee recommends that the State party adopt temporary special measures in accordance with article 4, paragraph 1, of the Convention and in the light of general recommendations 23 and 25, to increase the number of women at national and local decision-making levels in government, governmental bodies and public administration, provide targeted training programmes for women, and conduct, on a regular basis, awareness-raising**

campaigns to encourage women to participate in public life in decision-making positions.

109. The Committee is concerned about the lack of special policies and programmes to promote equal employment opportunities for women in the country. It is also concerned that the national labour legislation currently in preparation recognizes "equal pay for equal work" but not "equal pay for work of equal value".

110. **The Committee recommends that the State party implement targeted policies and programmes, including temporary special measures in accordance with article 4, paragraph 1, of the Convention and general recommendation 25, in order to increase the number of women in the formal work force. It also urges the State party to ensure that the draft Labour Act also takes into account the right to "equal pay for work of equal value" and contains provisions to facilitate women's access to justice in instances of discrimination.**

111. The Committee, while welcoming the preparation of the 2001 baseline gender pilot study to collect gender-disaggregated data, and the commitment to make the collection of such data mandatory, expresses concern about the insufficient sex-disaggregated statistical data in the report in the areas covered by the Convention.

112. **The Committee recommends the systematic and comprehensive compilation and a thorough analysis of sex-disaggregated data on the situation of women in all areas covered by the Convention, and specifically various aspects of the situation of rural women.**

113. While welcoming the significant progress achieved in the increase in the enrolment rate in primary education, where girls now constitute 45 per cent of the enrolled students, the Committee is concerned about the low participation of girls and women in secondary and tertiary education, including in technology- and science-related courses.

114. **The Committee encourages the State party to continue its efforts to close the gender gap in primary education and to take all necessary measures to increase the number of women in secondary and tertiary education in the country, including in technology- and science-related courses, in order to ensure that girls and women are accorded an equal opportunity to study, develop and benefit from science and technology. It also urges the State party to ensure that women have equal access with men to governmental loans and scholarships for pursuing higher education abroad.**

115. While acknowledging that several traditional perceptions and practices in Bhutan favour women, including with regard to inheritance, the Committee remains concerned that some traditions and stereotyped views in the country may be discriminatory of women and girls, and perpetuate sex-specific roles and responsibilities in some spheres of life. The Committee expresses concern at the continuing existence of polygamy in Bhutan.

116. **The Committee urges the State party to analyse existing traditions and stereotyped views in order to assess their impact on gender equality. It recommends that policies be developed and programmes be directed at men and women to support the elimination of stereotypes associated with traditional roles in the family, the workplace, and society at large, and to prevent the emergence of new stereotypes that are discriminatory against women. It also**

recommends that the media be encouraged to project a positive image of women and of the equal status and responsibilities of women and men both in the public and private spheres. The Committee recommends action by the State party to end the practice of polygamy, in accordance with the Committee's general recommendation 21, on equality in marriage and family relations.

117. Noting that the overwhelming majority of women live in rural areas, the Committee is concerned about their situation, in particular with regard to their access to education and vocational training. It is particularly concerned about the continuing high rates of illiteracy among rural women, and about their limited representation in rural leadership positions and limited participation in agricultural and animal husbandry training programmes.

118. **The Committee urges the State party to ensure that the rights, needs and concerns of rural women are given greater attention and visibility, and that rural women participate fully in the formulation and implementation of all sectoral policies and programmes. It also recommends that the State party ensure that rural women and girls have full access to education and vocational training in the areas where they live.**

119. While recognizing progress made in the area of women's health, the Committee expresses concern about the lack of a holistic and life-cycle approach to women's health.

120. **The Committee calls upon the State party to increase the access of women and adolescent girls to affordable health-care services, including reproductive health care, and to increase access to affordable means of family planning for women and men. It also calls upon the State party to step up its efforts to implement awareness-raising campaigns targeting women and men on the importance of family planning and related aspects of women's health and reproductive rights.**

121. The Committee is concerned that no specific legislation has been enacted to combat domestic violence and sexual harassment in the workplace, and that there is a lack of systematic data collection on violence against women, in particular domestic violence.

122. **The Committee urges the State party to ensure the full implementation of all legal and other measures relating to the elimination of violence against women, to systematically monitor the impact of those measures and to provide women victims of violence with accessible and effective means of protection, redress and recovery. In the light of its general recommendation 19, the Committee requests the State party to enact legislation on domestic violence and sexual harassment as soon as possible. The Committee also urges the State party to accelerate the adoption of the draft Bhutan Penal Code, which recognizes marital rape as a crime; to devise a structure for systematic data collection on violence against women, including domestic violence, disaggregated by sex; and to step up its efforts to provide comprehensive training to the judiciary, police, medical personnel and other relevant groups on all forms of violence against women.**

123. The Committee, while appreciating the State party's ratification in 2003 of the SAARC Convention on Preventing and Combating Trafficking in Women and Children for Prostitution, is concerned that no information has been provided in the

report on the extent of trafficking in women and girls, or on measures taken to prevent and combat that phenomenon in the country.

124. **The Committee recommends that the State party increase efforts at cross-border and international cooperation to prevent and combat trafficking in women and girls. It urges the State party to collect data and to provide information in its next report on the extent of trafficking in women and girls, as well as measures to prevent and combat trafficking.**

125. The Committee is concerned about the practice of common-law marriages, which allows girls to be married at 15 years of age, while the statutory age of marriage is 18. It is also concerned about the fact that restrictive citizenship laws might prevent women from freely choosing a spouse.

126. **The Committee urges the State party to eliminate the practice of common-law marriages and ensure that marriages are contracted under the 1980 Marriage Act, amended in 1996, which raised the legal age for marriage to 18 years for both sexes so as to comply with article 16 (b) of the Convention, requiring free and full consent to enter into marriage. The Committee also urges the State party to take all appropriate measures to end the practice of forced marriages. The Committee recommends that the State party amend its citizenship and nationality laws to bring them into conformity with article 9 of the Convention.**

127. The Committee is concerned about the situation of ethnic Nepalese women who lost their Bhutanese citizenship following the enactment of the 1985 Citizenship Act and now live in refugee camps in Nepal. It is also concerned about the situation of girls born of Bhutanese parents in refugee camps who can obtain naturalization only after the age of 15 years.

128. **The Committee urges the State party to step up its efforts to conduct negotiations with the Government of Nepal, and to collaborate with the Office of the United Nations High Commissioner for Refugees, in order to find a prompt, just and durable solution to the situation of Bhutanese women and girls living in refugee camps in Nepal, including the possibility of return to Bhutan for those Bhutanese women who wish to do so.**

129. **The Committee urges the State party to ratify the Optional Protocol to the Convention and to accept, as soon as possible, the amendment to article 20, paragraph 1, of the Convention, concerning the meeting time of the Committee.**

130. **The Committee requests the State party to respond to the concerns expressed in the present concluding comments in its next periodic report due in 2006, under article 18 of the Convention.**

131. **Taking account of the gender dimensions of declarations, programmes and platforms for action adopted by relevant United Nations conferences, summits and special sessions, such as the special session of the General Assembly to review and appraise the implementation of the Programme of Action of the International Conference on Population and Development (the twenty-first special session), the special session of the General Assembly on children (the twenty-seventh special session), the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, and the Second World Assembly on Ageing, the Committee requests the State party to include in its**

next periodic report information on the implementation of aspects of those documents relating to relevant articles of the Convention.

132. **The Committee requests the wide dissemination in Bhutan of the present concluding comments in order to make the people of Bhutan, in particular government administrators and politicians, aware of the steps that have been taken to ensure de jure and de facto equality for women and the future steps required in that regard. It also requests the Government to continue to disseminate widely, in particular to women's and human rights organizations, the Convention and its Optional Protocol, the Committee's general recommendations, the Beijing Declaration and Platform for Action and the results of the twenty-third special session of the General Assembly, entitled "Women 2000: gender equality, development and peace in the twenty-first century".**

3. Second periodic report

Kyrgyzstan

133. The Committee considered the second periodic report of Kyrgyzstan (CEDAW/C/KGZ/2 and Add.1) at its 632nd and 633rd meetings, on 14 January 2004 (see CEDAW/C/SR.632 and 633).

Introduction by the State party

134. In her introduction, the representative of Kyrgyzstan stated that the second periodic report provided a realistic picture of the implementation of the Convention in the country. The strengthening of legislation and of national mechanisms to improve the status of women were cited as major achievements. Attention was drawn to the Kyrgyz law on the bases for State guarantees of gender equality, adopted in 2003, which ensured equal rights and opportunities for women in all areas; the national programme on human rights for the period 2002-2010, and the national plan of action for achieving gender equality for the period 2002-2006. Kyrgyzstan had ratified more than 30 international human rights instruments, including, in 2002, the Optional Protocol to the Convention.

135. Women in decision-making positions remained a priority for the Government, and the representative highlighted the underrepresentation of women in legislative and executive bodies. A presidential decree on the further improvement of the framework policy for recruiting women leaders for the State administration of Kyrgyzstan was issued in August 2002. Gender quotas in appointments to the Constitutional Court, the Supreme Court, the Central Commission on Elections and Referendums and the Auditing Chamber of Kyrgyzstan were stipulated in the law on the bases for State guarantees of gender equality. The representative indicated that women were not considered a political force and were underrepresented in political parties.

136. The country's laws conferred equal rights upon women in employment. The representative conceded, however, that traditional gender divisions in the economy persisted, in particular the relegation of women and girls to less profitable occupations. Work at home was considered a major source of productive labour but was not included in calculations of the country's gross national product, and thus was not considered in entitlements to pension and other benefits.

137. The country's laws and programmes guaranteed equal rights with regard to education. The level of education of women was actually somewhat higher than that of men. The National Plan of Action for Education for All, adopted in July 2002, guaranteed free and mandatory elementary education to all children, in particular girls and children of ethnic minorities, by 2015.

138. The country's laws guaranteed equal access to medical services. Medical services for women ranged from outpatient to highly specialized hospitalization services. The representative noted that there had been a drop in infant mortality rates, although maternal mortality rates remained high. Abortion was legal and performed in State and licensed private medical institutions. Contraception was available to women of reproductive age. As of December 2003, there were 482 registered cases of HIV, of which 44 were women.

139. Various measures had been taken by the Government to address the problem of violence against women. The representative highlighted the adoption, in 2003, of the law on social and legal protection against violence in the family, which provided for temporary protection orders to be issued for victims of violence. She said that trafficking in women and children was a source of increasing concern for the Government. She described a number of legislative and programmatic measures that had been taken to address the issue, including the drafting of a proposed amendment to the Criminal Code on trafficking in individuals; the adoption of a national programme of measures to combat the illegal export of and trafficking in persons in 2002; and the establishment of a national council on the issue.

140. The representative indicated that there remained barriers to the achievement of women's equality despite the Government's efforts to improve the status and rights of women in the country. Such barriers included the growth of poverty and unemployment, a low level of social protection, the low participation of women in decision-making, and the persistence of gender stereotypes and traditions. She noted, in addition, that women were poorly informed of their rights.

141. In conclusion, the representative of Kyrgyzstan informed the Committee that its concluding comments and recommendations would become guidelines for future work on the practical achievement of gender equality in the country.

Concluding comments of the Committee

Introduction

142. The Committee commends the State party for its second periodic report, which complies with the Committee's guidelines for the preparation of periodic reports, and expresses appreciation for the written replies to the issues and questions raised by the Committee's pre-session working group and for the frank oral presentation, which provided additional information on the current situation with regard to the implementation of the Convention in Kyrgyzstan.

143. The Committee commends the State party for its delegation, which was headed by the Head of the Secretariat of the National Council on Women, Family and Gender Development. The Committee appreciates the constructive dialogue held between the delegation and the members of the Committee.

144. The Committee notes with satisfaction that government action, including the national plan of action for achieving gender equality for the period 2002-2006, is placed within the context of the implementation of the Beijing Platform for Action.

145. The Committee welcomes the growing number of non-governmental organizations that play a prominent role in promoting gender equality in Kyrgyzstan.

146. The Committee welcomes the information that the State party views positively the amendment to article 20, paragraph 1, of the Convention, concerning the meeting time of the Committee.

Positive aspects

147. The Committee commends the State party for enacting new laws in support of the goal of gender equality, including the law on the bases for State guarantees of gender equality, which prohibits direct and indirect gender discrimination and allows for the adoption of temporary special measures to promote de facto equality between women and men; and the law on social and legal protection against violence in the family, which provides for temporary protection orders to be issued for victims of family violence.

148. The Committee commends the State party for adopting a range of plans and programmes to address discrimination against women, including the national plan of action for achieving gender equality for the period 2002-2006; and the programme of measures to combat the illegal export of and trafficking in persons for 2002-2005. The Committee also commends the adoption of the national human rights programme for the period 2002-2010 and the establishment of the Human Rights Representative (Ombudsman), which provides a mechanism for monitoring the observance of human rights, including women's rights.

149. The Committee welcomes the initiative to open centres for gender studies at higher educational institutions.

150. The Committee welcomes the accession, in July 2002, by the State party to the Optional Protocol to the Convention.

Principal areas of concern and recommendations

151. While noting that, in accordance with the Constitution of Kyrgyzstan, the Convention is an integral and directly applicable part of Kyrgyz law, and that a number of laws have been adopted to promote gender equality, the Committee is concerned that women have seldom, if at all, used the Convention or existing laws to challenge acts of discrimination and that there is no record of court decisions in which women have obtained redress for such acts.

152. **The Committee urges the State party to ensure that Kyrgyz law provides adequate, accessible and affordable enforcement procedures and legal remedies for violation of women's human rights. The Committee invites the State party to provide, in its next report, detailed information about complaints filed in courts on the basis of the Convention and the legal provisions on gender equality, as well as any court decisions that refer to the Convention and domestic legislation on gender equality.**

153. The Committee is concerned that the judiciary, law enforcement personnel and women in general are not familiar with the Convention or with existing laws to

promote gender equality, including the law on social and legal protection against violence in the family, and the procedures for their application and enforcement.

154. **The Committee urges the State party to introduce education and training programmes on the Convention and on existing laws to promote gender equality, in particular for the judiciary, law enforcement personnel and parliamentarians. It recommends that awareness-raising campaigns targeted at women be undertaken to enhance women's awareness of their rights and to ensure that women can avail themselves of procedures and remedies for violations of their rights under the Convention and those laws.**

155. The Committee expresses concern about the situation of women in the labour market, including the concentration of women in traditional spheres of employment, in low-paying jobs and in the informal sectors; the wage differentials between women and men; women's rising unemployment rate; and the employment of women in unfavourable working conditions.

156. **The Committee urges the State party to ensure equal opportunities for women and men in the labour market through, inter alia, temporary special measures, in accordance with article 4, paragraph 1, of the Convention and general recommendation 25. The Committee urges the State party to intensify its efforts to ensure that all employment-generation programmes are gender sensitive and that women can fully benefit from all programmes to support entrepreneurship. It recommends that efforts be strengthened to eliminate occupational segregation, both horizontal and vertical; to narrow and close the wage gap between women and men; and to ensure that both women and men work under proper conditions of health and safety. It also recommends that effective measures allowing for the reconciliation of family and job responsibilities be strengthened and that further measures be taken to promote the sharing of domestic and family responsibilities between women and men.**

157. The Committee is concerned about the status of women's health and the deterioration of the health-care system. It is concerned about the continuing high rates of maternal and infant mortality, anaemia during pregnancy, the still high number of abortions, including among women under the age of 19, underweight girls, the increase in tuberculosis and sexually transmitted diseases among women and the problem of alcoholism and drug addiction among women. The Committee is concerned about the lack of attention to the negative impact on women of the reform of the health-care system, including with respect to the decline in the quality and accessibility of medical services and the closing down of medical institutions, where a majority of workers were women.

158. **The Committee recommends that, in accordance with general recommendation 24 on women and health, the State party fully implement a holistic, life cycle approach to women's health. It recommends that the State party strengthen measures to reduce the maternal and infant mortality rates and to address alcoholism and drug addiction among women as well as the spread of tuberculosis and other diseases among women. It urges the State party to reinforce programmes of sexual and reproductive education for both girls and boys to foster responsible sexual behaviour. The Committee urges the State party to maintain access to affordable and adequate health care, to assess the impact on women of the reform of the health-care system and to take**

remedial action so as to ensure that the reform does not disproportionately disadvantage women.

159. While recognizing the efforts made by the State party to address the issue of trafficking in women and girls, including amendments to the Criminal Code to include provisions on trafficking in persons and the adoption of the programme of measures to combat the illegal export of and trafficking in persons, the Committee remains concerned that the problem of trafficking in women in Kyrgyzstan continues to be serious. The Committee is also concerned at the lack of information on the exploitation of prostitution.

160. **The Committee urges the State party to intensify its efforts to combat trafficking in women and girls. It calls on the State party to ensure that victims of trafficking have adequate support and that they are not penalized. The Committee recommends the strengthening of measures aimed at improving the economic situation of women so as to eliminate their vulnerability to traffickers. The Committee requests the State party to provide in its next report information and data on trafficking in women and girls and the exploitation of prostitution, and on the measures taken to combat the phenomena and their results.**

161. Despite the enactment of the law on social and legal protection against violence in the family and efforts to combat domestic violence, the Committee is concerned at the continuing hidden nature of domestic violence and the inadequate performance of the police in dealing with the reporting from the victims. The Committee also expresses concern about the lack of detailed information on sexual violence against women, including sexual harassment in the workplace.

162. **The Committee recommends that an extensive, public awareness-raising campaign against violence in the family be launched nationwide and that strengthened training programmes for the police and the judiciary be provided so as to ensure that the rights of victims of domestic violence are properly protected. The Committee requests that detailed information on sexual violence, including sexual harassment, and efforts to eliminate it be provided in the next report.**

163. The Committee is concerned about the increase in poverty among women.

164. **The Committee recommends that the State party closely monitor the poverty situation of women and ensure that all programmes aimed at poverty alleviation take full account of the gender dimensions of poverty.**

165. While noting that the law on the bases for State guarantees of gender equality provides for gender quotas in the appointment of judges to the Constitutional Court and the Supreme Court, the staff of the Central Commission on Elections and Referendums, and the auditors of the Auditing Chamber, the Committee is concerned about the underrepresentation of women in elected and appointed bodies, particularly at high levels, including the Zhogorku Kenesh (Parliament) and regional and district parliaments, State executive and administrative organs and the diplomatic service.

166. **The Committee urges the State party to strengthen and implement measures to increase the representation of women in elected and appointed bodies through, inter alia, the implementation of temporary special measures,**

in accordance with article 4, paragraph 1, of the Convention and general recommendation 25, in order to realize women's right to equal participation in all areas of public life, particularly at high levels of decision-making. The Committee recommends that the State party fully utilize general recommendation 23 concerning women in public life and promote changes in the attitudes and perceptions of both women and men with regard to their respective roles in the household, the family, at work and in society as a whole. The Committee recommends that the State party increase its efforts in carrying out awareness-raising campaigns regarding the importance of women's equal participation in political and public decision-making and in the diplomatic service.

167. While noting the efforts of the State party to eliminate gender role stereotyping, especially in the media, the Committee is concerned about the persistence of discriminatory cultural practices and stereotypes relating to the roles and responsibilities of women and men in all areas of life, and the deep-rooted patriarchal attitudes, which undermine women's social status and are an obstacle to the full implementation of the Convention.

168. **The Committee urges the State party to monitor carefully the persistence of discriminatory cultural practices and stereotypes and intensify its efforts to eliminate them. It urges the State party to encourage men to share family responsibilities, to direct its awareness-raising programmes to both women and men, and to take action to change stereotypical attitudes and perceptions as to men's and women's roles and responsibilities. It recommends that the State party encourage the media to promote a positive image of women and of the equal status and responsibilities of women and men in both the private and public spheres.**

169. The Committee is concerned at the continuing existence of bride abduction and polygamy, despite the legal prohibition of these practices.

170. **The Committee recommends action without delay by the State party to enforce its laws penalizing these practices. The Committee also recommends that the State party take comprehensive and effective measures, including the training of the judiciary and law enforcement officials and public awareness-raising campaigns, to eliminate these practices.**

171. The Committee is concerned that provisions in the laws on land and agrarian reform and in other laws, as well as customs and traditional practices, regarding ownership, transfer and inheritance of land discriminate against women and prevent them from exercising their rights to land.

172. **The Committee requests the State party to undertake a study on women's de jure and de facto ownership and inheritance of land and to report the results in its next periodic report. The Committee urges the State party to take appropriate measures, including review and amendment of legislation, awareness-raising and adequate enforcement of the law, to eliminate all forms of discrimination against women with respect to ownership, transfer and inheritance of land.**

173. The Committee is concerned that the law on nationality precludes Kyrgyz women from passing their nationality on to their children on the same basis as men.

174. **The Committee urges the State party to take immediate steps to amend the nationality law and bring it into conformity with article 9 of the Convention.**

175. **The Committee encourages the State party to accept the amendment to article 20, paragraph 1, of the Convention, concerning the meeting time of the Committee, without delay.**

176. **The Committee requests the State party to respond to the concerns expressed in the present concluding comments in its next periodic report, due in 2006, to be submitted under article 18 of the Convention. It also requests that the report take account of the general recommendations of the Committee and provide information, including sex-disaggregated data, on the impact of legislation, policies and programmes designed to implement the Convention. The Committee urges the State party to cooperate with non-governmental organizations and civil society to enhance enjoyment by women of their human rights and in follow-up to the concluding comments. It recommends that the State party consult with women's non-governmental organizations during the preparation of the next periodic report.**

177. **Taking account of the gender dimensions of declarations, programmes and platforms for action adopted by relevant United Nations conferences, summits and special sessions, such as the special session of the General Assembly to review and appraise the implementation of the Programme of Action of the International Conference on Population and Development (the twenty-first special session), the special session on children (the twenty-seventh special session), the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance and the Second World Assembly on Ageing, the Committee requests the State party to include in its next periodic report information on the implementation of aspects of those documents relating to relevant articles of the Convention.**

178. **The Committee requests that the present concluding comments be widely disseminated in Kyrgyzstan in order to make the people of Kyrgyzstan, in particular government officials and politicians, aware of the steps that have been taken to ensure the de jure and de facto equality of women and the further steps required in this regard. It also requests the State party to continue to disseminate widely, in particular to women's and human rights organizations, the Convention, its Optional Protocol, the Committee's general recommendations and the Beijing Declaration and Platform for Action, as well as the results of the twenty-third special session of the General Assembly, entitled "Women 2000: gender equality, development and peace for the twenty-first century".**

4. Combined second and third periodic report

Nepal

179. The Committee considered the combined second and third periodic report of Nepal (CEDAW/C/NPL/2-3) at its 630th and 631st meetings, on 13 January 2004 (see CEDAW/C/SR.630 and 631).

Introduction by the State party

180. In introducing the combined second and third periodic report of Nepal, the representative of Nepal reiterated the State party's full commitment to the implementation of the Convention, which was basic to the country's development efforts and a source of inspiration for developmental interventions aimed at achieving substantive equality for women and the elimination of all forms of discrimination against women. Civil society and development partners had collaborated with the Government in the preparation of the national report. They had also supported resource generation and social mobilization during the implementation of the Convention. That collaboration encouraged the creation of an enabling environment, gender sensitization and institutional development at the national and the village levels.

181. The representative highlighted the positive developments in Nepal since the ratification of the Convention in 1991. Women's socio-economic empowerment was well under way, gender issues were being integrated into sectoral development policies, and development partners agreed on the need to place gender issues at the top of the national agenda.

182. Equality between women and men, women's empowerment and gender mainstreaming were targets of overall development. To achieve those targets, several policies and strategies had been implemented, including formulation of the National Plan of Action on Gender Equality and Women's Empowerment; approval of a plan of action on the Convention; formulation of a national human rights action plan; approval of the National Strategy on "Education for All", aimed at eliminating gender disparity in education by 2005 and achieving gender equality by 2015; review of the existing Plan of Action against Trafficking; and preparation and finalization of the South Asian Association for Regional Cooperation Social Charter.

183. Moreover, initiatives had been undertaken in relation to governance reform, including formulation of a road map for gender-responsive governance; introduction of "mobile government" aimed at providing essential services for rural communities; establishment of a committee on reservations for marginalized communities, including women in the civil service, aimed at ensuring equal representation of women in decision-making positions in the civil service; and provision of more opportunities for women in foreign employment.

184. Turning to institutional development, the representative stated that the National Human Rights Commission, the National Commission on Women, and the National Dalit Commission had been established. Furthermore, the capacity of gender focal points had been strengthened in order to achieve gender responsiveness in ministries. Women's development offices had been institutionalized as gender focal agencies at the district level, and a women's caucus had been established in Parliament.

185. Discriminatory laws had been reviewed by an expert Committee and a report thereon had been submitted to the Prime Minister, who had sent it to the Ministry of Women, Children and Social Welfare for the necessary action, and the procedure for safe abortion had been effectuated. A bill on domestic violence and an amendment bill on human trafficking (control) had been submitted to Parliament. Economic opportunities for women had been expanded. Other initiatives included the incorporation of gender budgeting in the national budgetary mechanism and the

formulation of a programme to support families, especially women and children, affected by conflict and violence.

186. The representative noted that, despite significant progress achieved in the advancement of women, major sociocultural, governance, economic, legal and psychological challenges remained. Sociocultural challenges included the prevalence of traditional culture and customs leading to patriarchy; discriminatory social practices, negative attitudes and gender stereotypes; the prevalence of gender-based violence and the subordination of women in society; the lack of adequate gender awareness and awareness of women's rights; and the marginalization of women's issues. Challenges in the governance sector included non-existent or insufficient implementation of international instruments; insufficient institutional capacity of the government machinery for policy and programme implementation and the lack of effective law enforcement; the need to mainstream gender concerns into governance; the need to institutionalize cooperation with civil society and other partners; and the need to provide effective service delivery for marginalized sectors of the population.

187. With regard to economic challenges, the representative noted a lack of equitable access for women to productive resources in comparison with men, the feminization of poverty and the marginalization of rural women. Legal challenges included the prevalence of discriminatory legal provisions and lengthy amendment processes as well as inadequate gender sensitivity and gender responsiveness in the legislative process. Finally, with regard to psychological challenges, the representative underlined the lack of adequate knowledge and skills to internalize the issues of gender and empowerment of women; the low participation and support of men in gender and women's issues; the lack of family and community support for increasing the psychological status of women; and the subordination of women in social and economic activities.

188. The representative described the road map for the implementation of the plan of action on the Convention and concluded by stressing the importance placed by Nepal on the elimination of discrimination against women as a way to develop the whole society. The necessity of international cooperation and assistance for the effective implementation of the Convention in the country was also emphasized.

Concluding comments of the Committee

Introduction

189. The Committee commends the State party for its combined second and third periodic report, which was frank, informative and straightforward and complies with the Committee's guidelines for the preparation of reports.

190. The Committee commends the State party for its high-level delegation, headed by the Minister of State for Women, Children and Social Welfare, and appreciates the fact that the delegation included the Chairperson of the National Commission on Women, a woman member of the Human Rights Commission, a woman member of the National Dalit Commission and representatives of different ministries with responsibility for the implementation of the Convention. It expresses appreciation to the State party for the written responses to the issues and questions posed by the Committee's pre-sessional working group and the frank oral presentation made by the delegation.

191. The Committee notes with satisfaction that the National Plan of Action on Gender Equality and Women's Empowerment covers the 12 critical areas of concern identified in the Beijing Platform for Action.

Positive aspects

192. The Committee commends the State party for identifying gender equality as a priority in its national development plan and welcomes new laws and legal reforms, such as the Country Code (Eleventh Amendment) Act, which, inter alia, enhances women's right to property; the Legal Aid Act, under which free legal aid is available in cases of abortion, trafficking, sexual exploitation and domestic violence; the Civil Service (First Amendment) Act, containing special provisions with regard to entry regulations, career development and conditions of service for women; and the Local Self-Governance Act, which includes a quota of at least 20 per cent representation by women in local bodies. The Committee also commends the efforts made towards implementation of the Convention through a wide range of plans and programmes, including the National Plan of Action on Gender Equality and Women's Empowerment, the National Plan of Action on Education and the Second Long-Term Health Plan.

193. The Committee commends the State party for establishing the Ministry of Women, Children and Social Welfare and for creating several other institutional mechanisms, including the National Commission on Women, gender focal points in other ministries, a National Human Rights Commission, the National Dalit Commission and a national committee to monitor the implementation of the Convention.

194. The Committee commends the State party's partnership with civil society on women's issues and its cooperation with civil society in disseminating information on the Convention, including the concluding comments that followed the consideration of the initial report. It welcomes the fact that these concluding comments were translated into Nepali to foster a better understanding of the human rights of women.

195. The Committee acknowledges that the judiciary has rendered a number of gender-sensitive decisions, thereby contributing to enhancing the status of women and protecting their rights in the territory of the State party.

Principal areas of concern and recommendations

196. While noting that a high-level committee has submitted a report identifying remaining discriminatory laws to the Prime Minister and that the Ministry of Women, Children and Social Welfare has been directed to take immediate action, the Committee reiterates the concern already expressed in the concluding comments on the initial report that the State party has not taken sufficient action to amend prevailing discriminatory laws.

197. **The Committee urges the State party to expedite action and to establish a specific timetable for amending discriminatory laws without further delay in order to comply with its obligation under article 2 of the Convention.**

198. The Committee expresses concern that the Constitution, in contradiction to article 9 of the Convention, precludes Nepalese women from passing their nationality on to their children or to a spouse of foreign nationality.

199. **The Committee urges the State party to repeal or amend article 9 of the Constitution, which permits discrimination against women in the area of citizenship.**

200. While appreciating the work undertaken by the Ministry of Women, Children and Social Welfare, the Committee expresses concern that the national machinery for the advancement of women does not have sufficient financial and human resources to effectively promote the advancement of women and gender equality.

201. **The Committee recommends that the State party strengthen the existing national machinery for the advancement of women, inter alia, by providing it with adequate financial and human resources.**

202. The Committee expresses its concern about the internal armed conflict that has continued in Nepal since 1996 and its impact on women. It is also concerned about the dissolution of the House of Representatives since May 2002, as this has an adverse impact on the capacity of the State party to implement the Convention, in particular in respect of the passage of legislation.

203. **The Committee calls on the State party to ensure the full and equal participation of women in the process of conflict resolution and peace-building. It urges the State party to allocate sufficient resources to meet the needs of women who have suffered damage as a result of the conflict and to ensure their security and protection from violence. The Committee also calls on the State party to ensure that legislative functions are not abandoned or neglected to the detriment of women in the period until the House of Representatives is reconvened. It encourages the State party to prepare a legislative agenda for action by Parliament.**

204. While recognizing that education is a national priority of the State party and that substantial progress has been made, including a decline in the overall illiteracy rate, the Committee is concerned about the continuing significant gap between the literacy rates of women and men. It is concerned about the low female enrolment in primary and secondary schools, high dropout rates and the very limited access for women to tertiary education. The Committee is also concerned that educational opportunities are fewer for women in rural areas and for women of different castes and ethnic groups.

205. **The Committee urges the State party to intensify its efforts to address the literacy gap between men and women so that the goals established in the National Plan on Education in regard to equality in education can be achieved, particularly in rural areas and among disadvantaged castes and ethnic groups. The Committee also recommends that the State party strengthen its efforts to ensure equal access of girls and women to all levels of education and to take all appropriate measures to prevent girls from dropping out of school. The Committee calls on the State party to allocate more financial and human resources to the education sector, to recruit more women teachers and to ensure that school textbooks do not carry stereotyped images of women.**

206. The Committee is concerned at the persistence of discriminatory cultural practices and stereotypes relating to the roles and responsibilities of women and men in all areas of life, and by deep-rooted patriarchal attitudes and conduct based on the assumed superiority of men in the public and private spheres and the strong perception that women are weak and vulnerable, which undermine women's social

status and are an obstacle to the implementation of the Convention. The Committee expresses its particular concern at the situation of widows who are often marginalized and vulnerable to violence and economic deprivation as a result of entrenched mindsets.

207. **The Committee urges the State party to intensify its efforts to eliminate discriminatory cultural practices and stereotypes. It also urges the State party to encourage men to share family responsibilities and direct its awareness-raising programmes to men as well as women, and to take action to change stereotypical attitudes and perceptions as to men's and women's roles and responsibilities. It recommends that the media be encouraged to project a positive image of women and of the equal status and responsibilities of women and men in both the private and public spheres. The Committee requests the State party to adopt measures to ensure that widows are able to enjoy their human rights and to improve their situation, including through job training, loan opportunities and counselling services and sensitization programmes aimed at ending the stigmatization of widows within the family and in the community.**

208. The Committee is concerned at the continuing existence of child marriage and polygamy and other practices, including the institution of dowry, *deuki* (dedicating girls to a god and goddess), *jhuma* (in some communities, second sisters remain unmarried and spend their life in monasteries), *kumari pratha* (having a girl child as living goddess) and *badi* (ethnic practice of prostitution among young girls), that are contrary to the Convention and constitute discrimination against women. The Committee is also concerned that the enactment of the draft bill on domestic violence has been delayed indefinitely.

209. **The Committee recommends action without delay by the State party to enforce its marriage laws, particularly as they relate to the prohibition of child marriage and polygamy, in the light of general recommendation 21 on equality in marriage and family relations, and urges the State party to take steps to abolish other harmful and discriminatory traditional practices, such as dowry *deuki*, *jhuma*, *kumari pratha*, and *badi*. The Committee also recommends that the State party take comprehensive and effective measures, including the training of the judiciary and law enforcement officials and public awareness-raising campaigns aimed at eliminating these practices. The Committee requests the State party to adopt immediately measures on domestic violence and to provide in its next report information about progress in relation to the draft bill on domestic violence.**

210. Recognizing the efforts made by the State party to address the issue of trafficking in women and girls, the Committee remains concerned about the continuing prevalence of this problem in Nepal. It is also concerned about the large discrepancy between reported instances of trafficking and the actual number of cases brought to court. It is further concerned that the enactment of the amendment to the Human Trafficking (Control) Act has been delayed.

211. **The Committee urges the State party to intensify its efforts to address trafficking in women and girls. It recommends that its anti-trafficking strategy should include measures of prevention, the prosecution and punishment of perpetrators and increased international, regional and bilateral cooperation. The Committee requests the State party to provide in its next report**

information about the legal and actual situation with respect to trafficking in women and girls.

212. The Committee is concerned at the status of women's health, particularly rural women. The Committee is concerned that women have a lower life expectancy than men and that there are high maternal and infant mortality rates. It is also concerned that women's health is adversely affected by factors such as early marriage and early pregnancy, inadequate family planning services and illiteracy, which is an obstacle to obtaining and effectively using health-related information. It is further concerned at the lack of research on women's health and data disaggregated by sex.

213. **The Committee recommends that the State party take further measures to improve the access of women, particularly rural women, to health-related services and information, including in regard to sexual and reproductive health, in an effort to reduce maternal mortality. It also recommends that programmes and policies be adopted to increase knowledge of and access to contraceptive methods, bearing in mind that family planning should be the responsibility of both partners. It further recommends that sex education be widely promoted, particularly targeting boys and girls, with special attention to the prevention and further control of sexually transmitted diseases and HIV/AIDS. The Committee requests the State party to conduct research on women's health and to provide sex-disaggregated data on access to health in its next report.**

214. While noting the 5 per cent constitutional minimum for the fielding of women candidates for elections by political parties, the Committee is concerned at the very poor representation of women in decision-making positions in the political and administrative spheres. It is also concerned at the very low numbers of women within the judiciary as well as the nominal participation of women at the international level.

215. **The Committee recommends that the State party intensify its efforts to encourage women to take up leadership positions through temporary special measures, including timetables and numerical targets, in accordance with article 4, paragraph 1, of the Convention and general recommendation 25. The Committee also recommends that the State party undertake awareness-raising campaigns on the importance of women's participation in decision-making.**

216. The Committee is concerned that women's access to land is still more limited than that of men.

217. **The Committee requests the State party to take appropriate measures to eliminate all forms of discrimination against women with respect to access to land.**

218. The Committee is concerned at the lack of information in the report about refugee women in camps in Nepal. In particular, it is concerned that women may be denied the possibility of applying for refugee status as individuals in their own right. The Committee is also concerned at information about inadequate protection and redress from gender-based violence in refugee camps.

219. **The Committee requests the State party to provide in its next report comprehensive information on the situation of refugee women in Nepalese camps, including in respect of the registration process for refugees and the**

means used to protect refugee women from gender-based violence and the avenues available for redress and rehabilitation.

220. The Committee regrets that the report provides insufficient statistics and sex-disaggregated data, in particular detailed information on the scope of the programmes and the impact of the measures taken by the State party to eliminate discrimination against women.

221. **The Committee recommends that the State party's next report contain more specific and analytical information on the situation of women, supported by sex-disaggregated data describing the results achieved.**

222. **The Committee urges the State party to ratify the Optional Protocol to the Convention and to deposit as soon as possible its instrument of acceptance of the amendment to article 20, paragraph 1, of the Convention, on the meeting time of the Committee.**

223. **The Committee requests the State party to respond to the concerns expressed in the present concluding comments in its next report under article 18 of the Convention. The Committee invites the State party to submit its fourth periodic report, which is due in 2004, and its fifth periodic report, due in 2008, in a combined report in 2008.**

224. **Taking account of the gender dimensions of declarations, programmes and platforms for action adopted by relevant United Nations conferences, summits and special sessions, such as the special session of the General Assembly to review and appraise the implementation of the Programme of Action of the International Conference on Population and Development (the twenty-first special session), the special session of the General Assembly on children (the twenty-seventh special session), the World Conference on Racism, Racial Discrimination, Xenophobia and Related Intolerance and the Second World Assembly on Ageing, the Committee requests the State party to include in its next periodic report information on the implementation of aspects of those documents relating to relevant articles of the Convention.**

225. **The Committee requests the wide dissemination in Nepal of the present concluding comments in order to make the people of Nepal, in particular government administrators and politicians, aware of the steps that have been taken to ensure de jure and de facto equality for women and the future steps required in that regard. It also requests the State party to continue to disseminate widely, in particular to women's and human rights organizations, the Convention and its Optional Protocol, the Committee's general recommendations and the Beijing Declaration and Platform for Action, as well as the results of the twenty-third special session of the General Assembly, entitled "Women 2000: gender equality, development and peace for the twenty-first century".**

8. Combined fourth and fifth periodic reports

Ethiopia

226. The Committee considered the combined fourth and fifth periodic report of Ethiopia (CEDAW/C/ETH/4-5) at its 646th and 647th meetings, held on 26 and 30 January 2004 (see CEDAW/C/SR.646 and 647).

Introduction by the State party

227. In introducing the combined fourth and fifth periodic report, the representative of Ethiopia explained that, under the Constitution, fundamental rights and freedoms were to be interpreted in conformity with the principles of the Universal Declaration of Human Rights, the two international covenants on human rights and international instruments ratified by Ethiopia. The Convention on the Elimination of All Forms of Discrimination against Women had thus become part of Ethiopian law. Various measures, including reform of family law, had been taken to uphold constitutional rights. An independent judiciary implemented those rights and civil society promoted them at the grass-roots level. Although it was not yet fully operational, an Office of Ombudsman dealing with women's and children's affairs had also been established.

228. A considerable number of machineries had been set up at different levels of government, from the Women's Affairs Office in the Office of the Prime Minister to women's affairs departments in 16 sectoral ministries and in all regional governments. Gender focal points had been established in each *woreda* (district) to incorporate gender issues in local development programmes.

229. Public debates, awareness campaigns and advocacy had been carried out in order to combat discrimination and to popularize gender equality and other human rights. Various human rights conventions, including the Convention on the Elimination of All Forms of Discrimination against Women, had been translated into Amharic, the local working language. In addition, the media had played a key role in awareness-raising and promoting gender equality and gender issues, while the Ethiopia Media Women's Association, established in May 1999, contributed to improving the image of women in the media. A national committee on harmful traditional practices had been established as a policy initiative to eliminate discrimination and enhance the advancement of women. Some legal measures had also been adopted or were under way to tackle violence against women, including harmful traditional practices. Networks had been established, including networks on violence against women, female genital mutilation, gender and leadership and girls' education.

230. A national committee chaired by the Ministry of Foreign Affairs had undertaken a number of activities in respect of migration and trafficking. A proclamation (No. 104/998) prohibiting trafficking and illegal migration of women had been issued, rules preventing the issuance of exit visas to persons without proper work contracts had been established, consular offices had been opened in some receiving countries and experiences had been shared with countries with large numbers of migrants.

231. The representative indicated that her Government recognized that women's participation in political matters was crucial to ensuring gender equality and that measures had been taken in this regard. She stated that large numbers of women had participated as voters in the last two elections, in 1995 and 2000, and that women had been elected to the House of Peoples' Representatives (Parliament) and the State (Regional) Council.

232. Measures had been taken to ensure equal access of girls to education and to increase enrolment and the retention rate of girls at all levels. They included higher budget allocations for regional schools that increase the enrolment of girls and

decrease the drop-out and repetition rates; the reservation of 30 per cent of places in public high educational institutions for women; the reservation of 50 per cent of places for women at the Teachers Training Institute; and the inclusion of gender as a main component of civic education starting in primary schools. With respect to employment, the Federal Civil Service Commission had instituted a reform that gave priority to women in employment, including promotions. Affirmative action provisions had been adopted to bring women into leadership and decision-making positions within the civil service. Women in the civil service were also entitled to maternity leave with pay both before and after their confinement. Other strategies included facilitation of the establishment of microfinance institutions by non-governmental organizations and other partners, and the establishment of the Ethiopian Women's Development Fund and Women's Development Initiative Project.

233. The delivery of health services to women had expanded, with an improved referral system that was especially beneficial to women. Efforts had also been undertaken to combat the spread of the HIV/AIDS pandemic, which included projects that aimed to reduce women's vulnerability. For the sake of preventing mother-to-child transmission, the Government had started to provide anti-retroviral drugs free of charge to pregnant women living with HIV/AIDS.

234. In conclusion, the representative indicated that, while the legal and political environment was highly conducive to promoting the advancement of women, many challenges had been encountered in the implementation of policies and programmes. These included insufficient skilled human resources, unavailability of data disaggregated by sex in most economic and social sectors, and the lack of clear and effective indicators for gender mainstreaming in development programmes and projects. She suggested that the political commitment that existed at the higher political level was perhaps sometimes lost at the lower level, where programme implementation was to be realized.

Concluding comments of the Committee

Introduction

235. The Committee expresses its appreciation to the State party for its combined fourth and fifth periodic report, while regretting the fact that the report does not fully comply with the Committee's guidelines for the preparation of periodic reports.

236. The Committee congratulates the State party for its high-level delegation, headed by the Minister of State for Women's Affairs. The Committee appreciates the frank and constructive dialogue held between the delegation and the members of the Committee.

Positive aspects

237. The Committee appreciates the political commitment expressed by the State party to implementing the provisions of the Convention and to further improving the progress achieved so far in some areas.

238. The Committee welcomes the revision of the family code and the ongoing revision of the penal code by the State party to eliminate the provisions that are discriminatory towards women.

239. The Committee appreciates the establishment of a comprehensive national machinery for the advancement of women at different governmental levels, which includes the Women's Affairs Office, women's affairs departments in various ministries, and gender focal points in each district.

240. The Committee commends the State party for the temporary special measures introduced in the civil service and in education, in particular the allocation of at least 30 per cent of the total number of university seats to female students. It also commends the State party for the introduction of the girl's scholarship programme, covering 28 schools in 7 regions, and the incorporation of gender mainstreaming in the school curriculum.

Principal areas of concern and recommendations

241. The Committee, while welcoming the integration of the Convention and the inclusion of equality provisions in the Constitution, is concerned about the slow progress in the implementation of the provisions of the Convention in the State party since the consideration of the State party's combined initial, second and third periodic report in 1996.

242. **The Committee urges the State party to enforce the supremacy of the Constitution over regional laws and encourages it to proceed, as a matter of urgency, with the full implementation of the provisions of the Convention throughout the country, including through enhanced cooperation between the federal and regional governmental bodies and institutions, so as to achieve uniformity of results in the implementation of the Convention. It calls on the State party to enhance its efforts for, and systematically monitor progress achieved in, the implementation of the Convention at all levels and in all areas. To that end, the Committee recommends that the State party place particular focus on improving the capacity of all public officials in the area of women's human rights and seek resources through international development assistance programmes, as necessary. The Committee also calls on the State party to launch, at the national level, a comprehensive programme of dissemination of the Convention, targeting women and men, in order to enhance awareness about and promote and protect the rights of women.**

243. The Committee, while welcoming the revision of the family code regulating marriage and family relations, is concerned that it has not yet been adopted by all regions.

244. **The Committee encourages the State party to ensure that regional governments adopt and duly implement the Family Code without delay and take all necessary measures, including awareness-raising measures, to sensitize the population about the revised Family Code.**

245. The Committee, while welcoming the establishment of the national machinery for the advancement of women, is concerned that the machinery suffers from insufficient decision-making power and inadequate human and financial resources to effectively promote the advancement of women and gender equality. The Committee also expresses its concern about the lack of an integrated policy of gender mainstreaming at the federal level.

246. **The Committee recommends that the State party expeditiously strengthen the existing national machinery and provide it with adequate human and**

financial resources at all levels in order to increase its effectiveness in mainstreaming gender perspectives in all policies and in promoting women's human rights.

247. The Committee expresses concern about the insufficient sex-disaggregated statistical data contained in the report with regard to the areas covered by the Convention.

248. **The Committee recommends the systematic and comprehensive compilation of sex-disaggregated data and its analysis reflecting the situation of women in all areas covered by the Convention.**

249. The Committee, while welcoming the State party's efforts in the area of education, is concerned at the low rate of female literacy, the continuing gap between boys and girls in the school enrolment rate and at the high drop-out and repetition rates among girls.

250. **The Committee urges the State party to strengthen its efforts to improve the literacy rate of girls and women in rural and urban areas, to ensure equal access of girls and young women to all levels of education and to take measures to reduce and eliminate the high drop-out and repetition rates of girls. It encourages the State party to introduce temporary special measures in accordance with article 4, paragraph 1, of the Convention and general recommendation 25 at primary and secondary levels of education, including incentives for parents to send girls to school. It also recommends that the State party take steps to ensure that rural women and girls have full access to education and vocational training.**

251. The Committee is concerned about the continuing persistence of entrenched traditional discriminatory practices, including the 80 per cent of girls and women who undergo female genital mutilation and inheritance of a widow with all her property, and strong stereotypical attitudes in respect of the roles and responsibilities of women and men in the family and society, which negatively affect women's enjoyment of their human rights.

252. **The Committee urges the State party to increase its efforts to design and implement comprehensive awareness-raising programmes targeting women and men in order to foster a better understanding of equality between women and men at all levels of society, with a view to changing negative social and cultural patterns of conduct and stereotypical attitudes about the roles and responsibilities of women and men in the family and society and to eliminate female genital mutilation and widowhood practices. The Committee also calls upon the State party to periodically review the measures taken in order to better assess their impact and to report thereon to the Committee in its next report. The Committee recommends that the State party take action without delay to end all discriminatory traditional practices.**

253. The Committee, while welcoming the fact that the age of marriage has been set at 18 years for both girls and boys, is concerned about the persistence of the practice of early marriage, which may be perpetuated further by the non-registration of births.

254. **The Committee recommends that the State party take measures to achieve free and timely registration of all births and undertake awareness-raising**

measures, throughout the country, particularly in rural areas, on the importance of registering births and the negative effects of early marriage on women's enjoyment of human rights, especially the rights to health and education.

255. The Committee is concerned that no specific legislation has been enacted to combat violence against women, including domestic violence, and at the lack of systematic data collection on violence against women, particularly domestic violence. The Committee is also concerned that, while abduction has been recognized as a crime under the Ethiopian criminal code, the implementation of the law is weak and abductions tend to be resolved through discriminatory customary laws and practice. The Committee is also concerned about the incidence of rape in the country.

256. **The Committee urges the State party to expedite the adoption and implementation of a national strategy to combat violence against women, to include, inter alia, legislation on violence against women, including domestic violence; the collection of data on all forms of violence against women; and research into the extent of violence against women and girls. The Committee calls upon the State party to ensure that all forms of violence against women are prosecuted and punished adequately and that victims have immediate means of redress and protection, in accordance with general recommendation 19. The Committee also recommends that the State party step up its efforts, through public awareness and education campaigns targeting the general public, with a particular focus on the judiciary, the police and medical personnel, to bring about attitudinal and behavioural changes to make such violence socially and morally unacceptable.**

257. The Committee is concerned about the very low level of life expectancy for women, the high rate of maternal mortality and the high prevalence of HIV/AIDS among women. The Committee is also concerned at the high rate of clandestine abortion and its causes, which include poverty, a lack of access to information on women's reproductive health and rights and low prevalence of contraceptive use.

258. **The Committee recommends the adoption of measures to guarantee effective access for women, including young women, to health-care information and services, in particular regarding reproductive health, with the aim of reducing clandestine abortions. It further recommends that programmes and policies be adopted to increase knowledge about and access to affordable contraceptive methods, as well as to increase the understanding that family planning is the responsibility of both partners. The Committee also recommends that sex education be widely promoted and provided, targeting men, women and adolescent boys and girls, with special attention to the prevention and further control of HIV/AIDS.**

259. The Committee, while welcoming the implementation of the Women's Development Initiative Project and the Ethiopian Women's Development Fund, is concerned that the Fund currently reaches only a small percentage of women, and that poverty among women, in particular rural women, continues to persist at a high level.

260. **The Committee urges the State party to expand its specific programmes aimed at enhancing the socio-economic well-being of women and step up its**

efforts to fully integrate gender perspectives in its sustainable development and poverty reduction programme. It also urges the State party to take measures to ensure that the rights, needs and concerns of rural women are given greater attention and visibility and that rural women participate fully in the formulation, implementation and evaluation of all sectoral policies and programmes. It calls upon the State party to put in place policies to protect women's right to property and to ensure that women have access to land and water resources on an equal basis with men.

261. The Committee is concerned about the discrimination faced by women in the labour market, especially in the emerging private sector.

262. **The Committee urges the State party to ensure equal opportunities for women and men in the labour market through, inter alia, the use of temporary special measures, according to article 4, paragraph 1, of the Convention and general recommendation 25. The Committee recommends that the State party take effective measures to promote the reconciliation of family and work responsibilities between women and men. The Committee requests the State party to provide, in its next report, detailed information on the situation of women in the formal and informal labour market, including women's occupations in the different sectors of the economy, their levels of seniority in the different sectors, and their respective wages.**

263. The Committee, while noting the slight increase in women's political participation, is concerned that the representation of women in decision-making positions in the various areas and levels of political and public life is still low.

264. **The Committee requests the State party, in accordance with article 4, paragraph 1, of the Convention, to take effective measures, such as implementation of targeted training programmes and awareness-raising campaigns, to encourage women to participate in public life and to highlight the importance to the society as a whole of women's full and equal participation in the development and decision-making processes, in accordance with general recommendation 23 on women in public and political life.**

265. The Committee, while welcoming the establishment of a national committee on migration, is concerned about the increasing number of Ethiopian women migrating to other countries in search of work and finding themselves in situations where they are vulnerable to various forms of violence, exploitation and trafficking.

266. **The Committee urges the State party to step up its efforts to protect women migrant workers; prevent the activities of illegal employment agencies; ensure that women are provided with adequate information on safe migration before departure; and conclude bilateral agreements with receiving countries. It also recommends that the State party consider acceding to the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.**

267. The Committee notes with concern that no information on the situation of older women and women with disabilities was included in the report.

268. **The Committee requests the State party to provide in its next report disaggregated data and information on the situation of older women and**

women with disabilities, including with regard to employment, education and health, and on measures taken in this regard.

269. The Committee notes with concern that women's non-governmental organizations were not consulted in the process of preparation of the report.

270. **The Committee recommends that the State party take concrete steps to create a conducive environment for the establishment and operation of women's non-governmental organizations and to facilitate the active participation of civil society in the full implementation of the Convention and the promotion of women's human rights. The Committee urges the State party to cooperate more effectively with non-governmental organizations and women's associations in the implementation of the Convention, including in follow-up to the concluding comments. The Committee recommends that the State party consult with non-governmental organizations in the preparation of the next periodic report.**

271. **The Committee requests the State party to respond to the concerns expressed in the present concluding comments in its next periodic report under article 18 of the Convention. The Committee invites the State party to submit its sixth periodic report, which was due in 2002, and its seventh periodic report, due in 2006, in a combined report in 2006.**

272. **Taking account of the gender dimensions of declarations, programmes and platforms for action adopted by relevant United Nations conferences, summits and special sessions, such as the special session of the General Assembly to review and appraise the implementation of the Programme of Action of the International Conference on Population and Development (the twenty-first special session), the special session of the General Assembly on children (the twenty-seventh special session) and the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, and the Second World Assembly on Ageing, the Committee requests the State party to include information on the implementation of aspects of those documents relating to relevant articles of the Convention in its next periodic report.**

273. **The Committee requests the wide dissemination in Ethiopia of the present concluding comments in order to make the people of Ethiopia, in particular government administrators and politicians, aware of the steps that have been taken to ensure de jure and de facto equality for women and the future steps required in that regard. It also requests the Government to continue to disseminate widely, in particular to women's and human rights organizations, the Convention and its Optional Protocol, the Committee's general recommendations, the Beijing Declaration and Platform for Action and the results of the twenty-third special session of the General Assembly, entitled "Women 2000: gender equality, development and peace in the twenty-first century".**

Nigeria

274. The Committee considered the combined fourth and fifth periodic report of Nigeria (CEDAW/C/NGA/4-5) at its 638th and 639th meetings, on 20 and 21 January 2004 (see CEDAW/C/SR.638 and 639).

Introduction by the State party

275. In introducing the report, the representative of Nigeria noted that the country's complexity was reflected in the varying nature of statistics and in the differing levels of national development and progress made towards realization of the Convention. In spite of these complexities, concrete progress was made at different levels of the three tiers of government and reflected, for example, in the adoption in 2003 of the Trafficking in Persons (Prohibition) Law Enforcement and Administration Act and the Child Rights Act. A national bill on violence against women was before the National Assembly. The 1999 Nigerian Constitution provided for the promotion and protection of women's rights in Nigeria. The Federal Government had adopted the National Policy on Women in July 2000. That policy provided, inter alia, for affirmative action to increase to 30 per cent the representation of women in the legislative and executive arms of the Government.

276. The report discussed the sociocultural, economic, political, legal and religious challenges to the promotion and protection of women's rights. Measures to eliminate discrimination against women included the enactment of laws relating to widowhood practices and female genital mutilation, the prohibition of early marriage, retention of girls in school, and trafficking in women and children. Legal aid was available to women. The National Action Committee on Women in Politics had been established, which was developing strategies for effective mobilization of women in all electoral processes. Efforts were under way to modify or abolish existing discriminatory laws, including provisions of the Penal Code.

277. Other measures to address discrimination against women included the translation of the Convention into the three major Nigerian languages; the production of information, education and communication materials for creating awareness and educating the public about women's rights; and empowerment programmes targeting women, institutions, students and the general public as well as professional groups and traditional and religious institutions. The pioneering role of a Supreme Court case that recognized and cited the Convention as a standard to be followed was also emphasized.

278. The representative highlighted a number of national policies that contained measures to protect maternal health, including the National Policy on Women and the national policies on reproductive health, nutrition, HIV/AIDS and education. Over 90 per cent of States had expanded their primary health-care services for the benefit of women and girls.

279. There had been significant changes in the status and quality of women's employment since the previous report. Measures to ensure women's economic and social empowerment included the provision of microcredit, the establishment of women's cooperative societies, skills acquisition centres and a number of pilot projects. The national economic policy had also been engendered and targets had been set for women's economic advancement.

280. While the Federal Ministry of Women's Affairs and Youth Development had responsibility for pursuing policies and programmes aimed at women's enjoyment of their rights, other institutions and bodies also supported the achievement of that goal, including the recently appointed Special Assistant on Human Trafficking and Child Labour, the National Consultative and Coordinating Committee, the National Technical Team of Experts comprising gender desk officers from sectoral ministries,

the National Human Rights Commission, especially its special rapporteur on women and child rights, and the Legal Aid Council. Non-governmental organizations also supported the promotion of women's rights and those of the girl child, and non-discrimination.

281. In closing, the representative reiterated her Government's commitment to implementing measures to eliminate all forms of discrimination against women and to using the media and information and communications technology as an instrument for the advancement and empowerment of women.

Concluding comments of the Committee

Introduction

282. The Committee commends the State party for its combined fourth and fifth periodic report, which was prepared in accordance with the Committee's guidelines for the preparation of periodic reports. It also commends the State party for the written replies to the issues and questions raised by the Committee's pre-session working group, and expresses appreciation for the comprehensive oral presentation.

283. The Committee congratulates the State party for its high-level delegation, headed by the Federal Minister of Women Affairs and Youth Development, and which also included officials from various branches of government as well as representatives of non-governmental organizations, which enabled the members of the Committee to engage in a frank and constructive dialogue with the delegation.

284. The Committee notes the declared political will of the State party to promote women's human rights in the new system of democratic governance and to overcome the obstacles to women's full participation in all aspects of public and private life after years of military rule.

285. The Committee warmly welcomes the State party's collaboration with women's non-governmental organizations and other interested stakeholders in the implementation of the Convention and the creation of a democratic society.

286. The Committee notes that Nigeria signed the Optional Protocol to the Convention in September 2000.

Positive aspects

287. The Committee commends the State party for including the right to freedom from discrimination on grounds of sex in its 1999 Constitution. It also welcomes the attention given in the ongoing constitutional review process to the elimination of remaining provisions that are discriminatory to women, including those regarding nationality.

288. The Committee welcomes the adoption of new federal laws in support of the goal of gender equality and the implementation of the provisions of the Convention, including the Trafficking in Persons (Prohibition) Law Enforcement and Administration Act, 2003, and the Child Rights Act, 2003. It also welcomes the adoption of a number of State laws prohibiting discrimination against women in critical areas such as female genital mutilation, widowhood practices and early marriage. It appreciates the State party's efforts, in collaboration with civil society organizations, to collate all remaining discriminatory aspects of legal provisions and

practices, with a view to eliminating them, and to harmonize statutory, customary and religious laws.

289. The Committee notes that, despite the fact that the Convention has not yet been domesticated as part of Nigerian law, some courts in Nigeria have explicitly referred to the Convention in arriving at decisions in favour of women's equality and non-discrimination.

290. The Committee welcomes the adoption of the National Policy on Women in 2000 as a framework for monitoring the implementation of the Beijing Platform for Action and the Convention. The Committee also welcomes the adoption of other national policies on education, reproductive health, nutrition and HIV/AIDS, which support women's empowerment, as well as the establishment of institutional mechanisms to support their implementation.

Principal areas of concern and recommendations

291. The Committee is concerned that, although Nigeria ratified the Convention in 1985, the Convention still has not been domesticated as part of Nigerian law. It notes with concern that, short of such full domestication, the primacy of the Convention over domestic law is not clarified nor is the Convention justiciable and enforceable in Nigerian courts.

292. **The Committee urges the State party to place high priority on completing the process of full domestication of the Convention. It calls on the State party to ensure that the Convention and related domestic legislation are made an integral part of legal education and the training of judicial officers, including judges, lawyers and prosecutors, so as to firmly establish in the country a legal culture supportive of women's equality and non-discrimination.**

293. The Committee is concerned that the State party's Constitution continues to contain provisions that discriminate against women, in particular in the area of nationality and employment, a fact that is explicitly recognized by the State party. It is further concerned at the slow pace of legislative reform to bring discriminatory legislation into conformity with the provisions of the Convention and to eliminate customary practices that discriminate against women.

294. **The Committee calls on the State party to set priorities, as well as a concrete timetable, for amending provisions in the Constitution and in Federal and State legislation that discriminate against women. It urges the Government of the State party to intensify its collaboration with parliamentarians and civil society in order to enhance understanding by all stakeholders of the State party's obligations under the Convention and to ensure speedy progress towards achieving de jure equality as an essential prerequisite for realizing de facto equality of women and compliance with the provisions of the Convention.**

295. The Committee notes with concern the existence of a three-pronged legal system, namely, statutory, customary and religious law, which results in a lack of compliance by the State party with its obligations under the Convention and leads to continuing discrimination against women.

296. **The Committee urges the State party to take proactive and innovative measures, including full domestication of the Convention, to remove contradictions among the three legal systems and to ensure that any conflict of law with regard to women's rights to equality and non-discrimination are resolved in full compliance with the provisions of the Convention and general recommendation 21 on equality in marriage and family relations. It also urges the State party to step up its efforts at awareness-raising with regard to the Convention in order to create an enabling environment for legal reform and legal literacy.**

297. The Committee is concerned about the continuing prevalence of violence against women and girls, including domestic violence and sexual harassment in the workplace. The Committee notes with concern that a bill on violence against women proposed in 2002 has yet to be acted on by the National Assembly.

298. **The Committee urges the State party to place high priority on putting in place comprehensive measures to address all forms of violence against women in the family and in society and to recognize that such violence constitutes a violation of the human rights of women under the Convention, and in the light of general recommendation 19 on violence against women. The Committee calls upon the State party to speed up its efforts at adoption of legislation on violence against women, including domestic violence and sexual harassment, and to ensure that all forms of violence against women are prosecuted and punished with the required seriousness and speed. The Committee stresses that all women victims of violence should have access to protection and effective means of redress. The Committee recommends gender-sensitive training for public officials, in particular for law enforcement personnel, the judiciary and health service providers, and the establishment of shelters and other services for victims of violence and sexual harassment. The Committee invites the State party to take awareness-raising measures through the media and public education programmes to make such violence socially and morally unacceptable.**

299. The Committee expresses concern about the persistence and social acceptability of harmful traditional practices, including widowhood practices, female genital mutilation, and child and forced marriage, despite prohibitions in State or Federal legislation.

300. **The Committee urges the State party to place the elimination of such practices high on the agenda of the federal and state governments and to bring to an immediate end the apathy of law enforcement agencies with regard to the implementation of existing legislation. It calls on the State party to intensify its efforts to develop and implement a national plan of action, including public awareness-raising campaigns targeted at women and men, in order to eliminate the practice of female genital mutilation and widowhood practices. It urges the State party to ensure full compliance with the Child Rights Act, 2003, which set the statutory minimum age of marriage at 18 years in all parts of the country. The Committee encourages the State party to undertake such efforts in**

collaboration with civil society organizations, women's non-governmental organizations, and traditional and religious leaders, so as to build alliances and create an enabling environment for the accelerated elimination of such practices, and to achieve compliance with the Convention.

301. The Committee, while recognizing the efforts of the State party to combat trafficking in women and the exploitation of the prostitution of women, such as adoption of the Trafficking in Persons (Prohibition) Law Enforcement and Administration Act, 2003, and the appointment of a high-level official on human trafficking and child labour, expresses its concern about the prevalence and extent of this problem in Nigeria, which has become a country of origin and transit of trafficked women and girls. The Committee notes with concern that the transmission of sexually transmitted diseases and HIV/AIDS is further exacerbated by sexual exploitation in Nigeria.

302. **The Committee urges the State party to ensure full implementation of the Trafficking in Persons (Prohibition) Law Enforcement and Administration Act, 2003, and to develop a comprehensive strategy to combat trafficking in women and girls, including the prosecution and punishment of offenders, counselling and rehabilitation of victims, and awareness-raising and training activities for those involved in combating trafficking. It calls on the State party to intensify international, regional and bilateral cooperation with other countries of origin, transit and destination for trafficked women and girls. It also recommends the introduction of measures aimed at improving the economic situation of women so as to eliminate their vulnerability to traffickers.**

303. The Committee expresses concern at the low enrolment rates and educational achievement of girls and women, the continuing high rates of illiteracy of women and girls, in particular in rural areas, and the decline in the quality of education.

304. **The Committee urges the State party to ensure full implementation of its Universal Basic Education Policy, launched in 1999, and the educational objectives contained in the National Policy on Women, including with the support of the international community. It calls on the State party to further prioritize action in the field of girls' and women's education and to raise awareness about the importance of education as a fundamental human right and the basis for the empowerment of women. It urges that targeted measures with a concrete time frame be taken, in accordance with general recommendation 25, to increase the literacy level of girls and women, in particular in rural areas, to ensure equal access of girls and young women to all levels of education, to prevent girls from dropping out of school, in particular because of early pregnancy, and to overcome traditional attitudes that constitute obstacles to girls' education. It also encourages the State party to ensure the accessibility of schools to all children, particularly girls, to create further incentives for parents to send girls to school and to step up the recruitment of qualified women teachers at all levels of education.**

305. The Committee expresses concern about the persistence of discriminatory legislation, administrative provisions and practices in the labour market. It is also concerned about women's higher unemployment rates, the persistent wage gap in the private and public sector and the lack of adequate social protection for women in the private sector.

306. **The Committee urges the State party to ensure equal opportunities for women and men in the labour market, including through the use of temporary special measures in accordance with article 4, paragraph 1, of the Convention and general recommendation 25.**

307. The Committee expresses concern at the precarious situation of women's health, the insufficient and inadequate health-care facilities and family planning services and the lack of access to such facilities and services. The Committee is concerned about the high rates of maternal mortality as a result of unsafe abortions. It is also concerned about the persistence of traditional practices that are harmful to the physical and mental health of women and girls.

308. **The Committee urges the State party to allocate adequate resources to improving the status of women's health, in particular with regard to maternal and infant mortality. It urges the State party to increase women's and adolescent girls' access to affordable health-care services, including reproductive health care, and to increase access to affordable means of family planning for women and men. It urges the State party to take measures to assess the impact of its abortion laws on women's health. The Committee urges the State party to introduce a holistic and life cycle approach to women's health, taking into account general recommendation 24 on women and health.**

309. The Committee, while recognizing the efforts made to achieve 30 per cent representation of women in public office, notes with concern the low number of women in political and public life, especially in leadership and decision-making positions. It also notes with concern that the persistence of stereotypical and patriarchal attitudes, which view men as natural leaders, may preclude women from seeking positions of leadership.

310. **The Committee recommends that the State party take measures to increase the number of women in decision-making positions at all levels and in all areas, in the light of general recommendation 23 on women in political and public life. It also recommends that the State party introduce temporary special measures, in accordance with article 4, paragraph 1, of the Convention and general recommendation 25, to strengthen its efforts to promote women to positions of leadership, including in the diplomatic service. To that end, the Committee urges the State party to increase the availability of training programmes and to enhance its awareness-raising campaigns aimed at underlining the importance of women's participation in decision-making at all levels.**

311. The Committee, while noting the existence of laws and policies in many areas, including the National Policy on Women and related sectoral policies, strategies and programmes, is concerned at the lack of evaluation of the impact of such policies and of effective monitoring mechanisms, as well as a dearth of data and information disaggregated by sex on the results achieved.

312. **The Committee calls on the State party to include, in its next report, statistical data and analysis disaggregated by sex on the impact of its policies for the achievement of gender equality and the implementation of the provisions of the Convention.**

313. **The Committee encourages the State party to ratify the Optional Protocol to the Convention and to accept, as soon as possible, the amendment to article**

20, paragraph 1, of the Convention, concerning the meeting time of the Committee.

314. **The Committee requests the State party to respond to the concerns expressed in the present concluding comments in its next periodic report, due in 2006, under article 18 of the Convention.**

315. **Taking account of the gender dimensions of declarations, programmes and platforms for action adopted by relevant United Nations conferences, summits and special sessions, such as the special session of the General Assembly to review and appraise the implementation of the Programme of Action of the International Conference on Population and Development (the twenty-first special session), the special session of the General Assembly on children (the twenty-seventh special session), the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, and the Second World Assembly on Ageing, the Committee requests the State party to include information on the implementation of aspects of those documents relating to relevant articles of the Convention in its next periodic report.**

316. **The Committee requests the wide dissemination of the present concluding comments in Nigeria in order to make the people of Nigeria, in particular government administrators and politicians, aware of the steps that have been taken to ensure de jure and de facto equality for women, and the future steps required in that regard. It also requests the Government to continue to disseminate widely, in particular to women's and human rights organizations, the Convention and its Optional Protocol, the Committee's general recommendations, the Beijing Declaration and Platform for Action and the results of the twenty-third special session of the General Assembly, entitled "Women 2000: gender equality, development and peace in the twenty-first century".**

6. Combined fourth, fifth and sixth periodic report

Belarus

317. The Committee considered the combined fourth, fifth and sixth periodic report of Belarus (CEDAW/C/BLR/4-6) at its 643rd and 644th meetings, on 23 January 2004 (see CEDAW/C/SR.643 and 644).

Introduction by the State party

318. In introducing the report, the representative of Belarus noted that the combined report covered the period from 1994 to 2001, and discussed the National Plan of Action for 1996-2000, the national programme entitled "Women of the Republic of Belarus" and institutional and administrative measures to guarantee the equal rights of men and women. Attention was drawn to new or amended legislation, including the civil code (1999), the code on marriage and family (1999) and the labour code (2000). The national gender policy for 2000-2004 had been based on the concluding comments adopted by the Committee upon its consideration of the third periodic report of Belarus. In October 2003, Belarus had adopted a domestic law on ratification of the Optional Protocol to the Convention.

319. A National Council on Gender Policy had been established under the Council of Ministers in May 2000. The National Plan of Action for the period 2001-2005 had been drawn up in accordance with the Beijing Platform for Action and the concluding comments of the Committee. Local authorities were entrusted with the development of special programmes to promote women's employment, protect women's health and secure their reproductive rights. The further development of gender statistics allowed for a comparative gender analysis. The representative highlighted the positive impact of the social partnership between women's public associations and government structures on the status of women.

320. The share of women in decision-making positions had been growing. For example, in the 2000-2001 elections, the percentage of women in the National Assembly had increased from 4.5 per cent to 12.7 per cent. Owing to a quota system for the Council of the National Assembly, women now held 28.1 per cent of the Council's seats. Women constituted 44.4 per cent of the membership of local councils in 2003, but that percentage had decreased at higher levels of decision-making.

321. Unemployed women had access to professional services as well as psychological and social support, including job fairs, the employment promotion fund, paid public work and professional training for marketable professions, including for potential self-employment. Jobs for women had also been generated. In 2003, 59.4 per cent of unemployed women had received professional training, and women had received 55.5 per cent of State loans and subsidies. The Labour Code contained regulations concerning work by women and workers with family obligations, as well as parental leave. Families with under-age dependants were more economically vulnerable and received various forms of financial subsidies and benefits.

322. Turning to questions of health, the representative identified a number of challenges, including widespread alcoholism, drug addiction, tuberculosis and sexually transmitted diseases. There were also a number of positive developments, however, including an improved ability to diagnose gynaecological diseases, including tumours, the development of the reproductive health protection system and the greater availability of information on family planning and reproductive health, as well as a decrease in the number of abortions and an increase in the use of modern contraceptives. While the lack of financial resources was a major obstacle in fighting the spread of HIV/AIDS, a number of measures had been taken to prevent mother-to-child transmission of HIV.

323. Violence against women was one of the main challenges to achieving gender equality. Some 30 per cent of women in Belarus experienced domestic violence and 12 per cent were subjected to sexual harassment in the workplace. Perpetrators of domestic violence were now registered and were subject to various forms of sanction and punishment. Victims of domestic violence received psychological assistance. Belarus had ratified the United Nations Convention against Transnational Organized Crime and the three Optional Protocols thereto, including the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, and had adopted a programme to prevent traffic in persons and prostitution for the period 2002-2007.

324. Among the obstacles to improving the status of women were the lack of financial resources, the persistence of gender stereotypes and the lack of men's

involvement in the work on gender equality. The representative noted that, although the country had no discriminatory legislation, legislative guarantees were not always fully implemented. In conclusion, the representative assured the Committee of the readiness of the delegation for a constructive dialogue.

Concluding comments of the Committee

Introduction

325. The Committee commends the State party for its combined fourth, fifth and sixth periodic report, which complies with the Committee's guidelines for the preparation of periodic reports. It expresses appreciation for the written replies to the issues and questions raised by the Committee's pre-session working group, noting that not all the questions were answered. The Committee appreciates the oral presentation by the State party, which provided additional information on the current situation with regard to the implementation of the Convention in Belarus.

326. The Committee welcomes the State party's delegation and appreciates the constructive dialogue held between the delegation and the members of the Committee.

327. The Committee notes with satisfaction that government action, including the national plan of action for gender equality for the period 2001-2005, is placed within the context of the implementation of the Beijing Platform for Action and the concluding comments of the Committee.

328. The Committee welcomes the steps taken by the State party to ratify the Optional Protocol to the Convention.

Positive aspects

329. The Committee commends the State party for the legislative reforms in support of the goal of gender equality, including the marriage and family code of 1999, the civil code of 1999, the labour code of 2000 and the criminal code of 2001. The Committee welcomes the efforts of the State party to review existing legislation and to enact new legislation in conformity with international standards, particularly the Convention on the Elimination of All Forms of Discrimination against Women. The Committee welcomes the intention of the State party to elaborate and adopt a new law on gender equality.

330. The Committee commends the State party for the amendments to the Citizenship Act of October 1991, which grant women equal rights with men with respect to the nationality of children and with respect to the procedure for acquiring, changing or retaining nationality.

331. The Committee welcomes the increase in representation of women in the House of Representatives of the National Assembly and in the local councils of deputies. It also welcomes the use of a quota-based principle in forming the National Assembly's Council of the Republic.

332. The Committee welcomes the increase in the number of women members of the Supreme Court. It notes with satisfaction the high numbers of women judges and lawyers.

Principal areas of concern and recommendations

333. The Committee expresses concern that, while article 22 of the Constitution states that all citizens have the right, without any discrimination, to equal protection of their rights, the Constitution does not contain a prohibition of discrimination on the basis of sex or an explicit provision on gender equality.

334. **The Committee urges the State party to include in its Constitution a provision prohibiting discrimination on the basis of sex or an explicit provision on gender equality.**

335. While noting the incorporation in a number of laws of provisions prohibiting discrimination on the basis of sex, the Committee expresses concern that the State party has not yet adopted a law on gender equality.

336. **The Committee encourages the speedy elaboration and adoption of a law on gender equality that includes a definition of direct and indirect discrimination according to the Convention and a basis for applying temporary special measures according to article 4, paragraph 1, of the Convention and general recommendation 25.**

337. The Committee is concerned that the State party lacks a holistic approach to policies and programmes aimed at achieving women's equality with men, including mainstreaming a gender perspective in all areas.

338. **The Committee recommends that the State party ensure a holistic approach to all policies and programmes devoted to achieving equality between women and men. The Committee recommends that gender-mainstreaming in all public institutions, policies and programmes be introduced through gender training and the creation of focal points. The Committee requests the State party to include in its next periodic report sex-disaggregated data in all areas of the Convention.**

339. **The Committee is concerned about the persistence of stereotypes relating to the roles and responsibilities of women and men in society, which tend to place responsibility for child-rearing primarily on women. Such stereotypes undermine women's social status and are an obstacle to the full implementation of the Convention.**

340. **The Committee urges the State party to intensify its efforts to eliminate stereotypical attitudes and perceptions regarding men's and women's roles and responsibilities in all areas of society. It urges the State party to encourage men to share family responsibilities and direct its awareness-raising programmes to both women and men. It also recommends that the State party encourage the media to promote a positive image of women and of the equal status and responsibilities of women and men in both the private and public spheres.**

341. The Committee is concerned that there is insufficient awareness of the Convention and the procedures for its application and enforcement, as well as of women's human rights in general, including among the judiciary, law enforcement personnel and women themselves.

342. **The Committee urges the State party to introduce education and training programmes on the Convention, in particular for parliamentarians, the judiciary, the police and other law enforcement personnel. It recommends that**

awareness-raising campaigns targeted at women be undertaken to enhance women's awareness of their human rights and to ensure that women can avail themselves of procedures and remedies for violations of their rights under the Convention.

343. The Committee is concerned about the insufficient cooperation of the authorities with non-governmental organizations and women's associations in the implementation of the Convention. The Committee is further concerned about the lack of an enabling environment for the establishment and operation of women's non-governmental organizations and for encouraging the more active involvement of civil society in promoting gender equality.

344. **The Committee urges the State party to cooperate more effectively with non-governmental organizations and women's associations in the implementation of the Convention, including follow-up to the concluding comments. The Committee recommends that the State party consult with non-governmental organizations during the preparation of the next periodic report. The Committee also recommends that the State party enable the establishment and operation of women's non-governmental organizations, and encourage and facilitate the active participation of civil society in the full implementation of the Convention and the promotion of women's human rights.**

345. While recognizing the establishment of the National Council on Gender Policy in 2000, the Committee expresses its concern that the national machinery for the advancement of women does not have sufficient visibility, decision-making power or financial and human resources to effectively promote the advancement of women and gender equality. While noting that a decision was adopted in 2003 to renew the Council's composition, the Committee is concerned about the suspension of the work of the Council over the past few years.

346. **The Committee recommends that the State party strengthen the existing national machinery in order to make it more effective by providing it with adequate visibility, decision-making power and human and financial resources at all levels and enhancing coordination among the existing mechanisms at the national and local levels for the advancement of women and the promotion of gender equality.**

347. While noting that a draft law on the prevention and suppression of domestic violence has been elaborated, the Committee expresses concern about the increasing incidence of violence against women in Belarus, including domestic violence.

348. **The Committee urges the State party to place high priority on implementing comprehensive measures to address violence against women in the family and in society, in accordance with its general recommendation 19. The Committee calls upon the State party to enact the draft law on the prevention and suppression of domestic violence and to ensure that violence against women is prosecuted and punished with the required seriousness and speed. Women victims of violence should have immediate means of redress and protection, including protection orders and access to legal aid, as well as accessible shelters in sufficient numbers and with adequate funding. The Committee also recommends that the State party ensure that public officials, especially the police and other law enforcement officials, the judiciary, health-care providers and social workers, are fully sensitized to all forms of violence**

against women. The Committee invites the State party to take awareness-raising measures to prevent and combat violence against women through the media and public education programmes. The Committee requests the State party to provide in its next periodic report information on the measures taken.

349. While recognizing the efforts made by the State party to address the issue of trafficking in women and girls, including provisions on trafficking in persons in the new Criminal Code and the adoption of the national programme of comprehensive measures to prevent traffic in persons and prostitution for the period 2002–2007, the Committee remains concerned about the problem of trafficking in women in Belarus and about the lack of detailed data and information on the phenomenon.

350. **The Committee urges the State party to intensify its efforts to combat trafficking in women and girls. It recommends the strengthening of measures aimed at improving the economic situation of women so as to eliminate their vulnerability to traffickers, as well as social support, rehabilitation and reintegration measures for women and girls who have been victims of trafficking. It calls on the Government to ensure more severe punishment of traffickers, and to ensure that trafficked women and girls have the support they need so that they can provide testimony against their traffickers. It recommends that training of border police and law enforcement officials provide them with the requisite skills to recognize and provide support for victims of trafficking. The Committee requests the State party to provide in its next report comprehensive information and data on trafficking in women and girls. The Committee also requests the State party to provide information on the measures taken to address the causes of trafficking and to combat this phenomenon, and on the impact of these measures.**

351. The Committee expresses concern about the situation of women in the labour market, which is characterized, in spite of women's high level of education, by high female unemployment, the concentration of women in low-paid sectors of public employment, such as health and education, and the wage gap between women and men, in both the public and private sectors. The Committee is concerned that the State party's labour laws, which are overly protective of women as mothers and restrict women's participation in a number of areas, may create obstacles to women's participation in the labour market, in particular in the private sector, and perpetuate gender role stereotypes.

352. **The Committee urges the State party to ensure equal opportunities for women and men in the labour market through, inter alia, temporary special measures, in accordance with article 4, paragraph 1, of the Convention and general recommendation 25. The Committee urges the State party to intensify its efforts to ensure that all job generation and poverty alleviation programmes are gender-sensitive, and that women can fully benefit from all programmes to support entrepreneurship. It recommends that efforts be strengthened to eliminate occupational segregation, both horizontal and vertical, and to narrow and close the wage gap between women and men through, inter alia, additional wage increases in female-dominated sectors of public employment. The Committee recommends that the State party conduct regular reviews of legislation, in accordance with article 11, paragraph 3, of the Convention, with a view to reducing the number of barriers women face in the labour market.**

353. The Committee is concerned about the feminization of poverty, particularly among vulnerable groups of women, such as those heading households, older women and rural women.

354. **The Committee requests the State party to ensure that all poverty alleviation programmes fully benefit women, according to their needs, and to provide in its next periodic report information on the measures taken to improve the economic situation of women, particularly those belonging to vulnerable groups.**

355. The Committee is concerned about the general decline in the status of women's health, as well as the decline in women's access to health services. The Committee is also concerned at the continuing use of abortion as a primary method of birth control, teenage pregnancy, the deterioration of the health of pregnant women and the spread of sexually transmitted diseases, including HIV/AIDS. The Committee is concerned at the continuing negative impact of the Chernobyl disaster on women's health.

356. **The Committee recommends the full implementation of a holistic, life cycle approach to women's health, including access to affordable health care, the financial and organizational strengthening of family planning programmes and the provision of wide access to contraceptives for all women and men, in accordance with its general recommendation 24 on women and health. It urges the State party to reinforce programmes of sexual and reproductive education for both girls and boys in order to foster responsible sexual behaviour and further discourage abortion as a means of birth control. The Committee requests the State party to provide in its next periodic report more information and data on the prevalence of, and measures taken against, sexually transmitted diseases, including HIV/AIDS, among women, as well as on the efforts of the State party to further address the impact of the Chernobyl disaster on women.**

357. While recognizing an increase in the representation of women in the House of Representatives of the National Assembly, in the local councils of deputies and on the Supreme Court, as well as the use of a quota-based principle in forming the National Assembly's Council of the Republic, the Committee remains concerned about the underrepresentation of women in elected and appointed bodies, particularly at high levels and in decision-making positions, including the diplomatic service.

358. **The Committee urges the State party to strengthen and implement measures to increase the representation of women in elected and appointed bodies through, inter alia, the implementation of temporary special measures, in accordance with article 4, paragraph 1, of the Convention and general recommendation 25, in order to implement women's right to equal participation in all areas of public life, particularly at high levels of decision-making. The Committee recommends that the State party fully utilize general recommendation 23, concerning women in public life. It also recommends that the State party increase its efforts in offering or supporting capacity-building programmes for current and future women leaders and carry out awareness-raising campaigns regarding the importance of women's equal participation in political and public decision-making.**

359. The Committee is concerned about the lack of information in the report on minority women and the scarce data on migrant and older women.

360. **The Committee requests the State party to provide in its next periodic report information and data on minority, migrant and older women, including their economic, employment and health situation.**

361. **The Committee encourages the State party to accept the amendment to article 20, paragraph 1, of the Convention, concerning the meeting time of the Committee, without delay.**

362. **The Committee requests the State party to respond to the concerns expressed in the present concluding comments in its next periodic report, due in 2006, under article 18 of the Convention.**

363. **Taking account of the gender dimensions of declarations, programmes and platforms for action adopted by relevant United Nations conferences, summits and special sessions, such as the special session of the General Assembly to review and appraise the implementation of the Programme of Action of the International Conference on Population and Development (the twenty-first special session), the special session on children (the twenty-seventh special session), the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance and the Second World Assembly on Ageing, the Committee requests the State party to include information on the implementation of aspects of those documents relating to relevant articles of the Convention in its next periodic report.**

364. **The Committee requests that the present concluding comments be widely disseminated in Belarus in order to make the people of Belarus, in particular government officials and politicians, aware of the steps that have been taken to ensure the de jure and de facto equality of women and the further steps required in this regard. It also requests the State party to continue to disseminate widely, in particular to women's and human rights organizations, the Convention, its Optional Protocol, the Committee's general recommendations and the Beijing Declaration and Platform for Action, as well as the results of the twenty-third special session of the General Assembly, entitled "Women 2000: gender equality, development and peace for the twenty-first century".**

7. Fifth periodic report

Germany

365. The Committee considered the fifth periodic report of Germany (CEDAW/C/DEU/5) at its 640th and 641st meetings, on 21 and 22 January 2004 (see CEDAW/C/SR.640 and 641).

Introduction by the State party

366. In introducing the report, the representative of Germany noted that the fifth periodic report gave an overview of the equality policy pursued by the Government since 1998, and drew attention to the ongoing dialogue with non-governmental organizations. The Convention now enjoyed unprecedented priority in the German

Parliament, which in 2003 had discussed a report under the Convention for the first time.

367. Turning to recent developments, the representative drew attention to the Government's Plan of Action to combat violence against women at all levels, which constituted the first comprehensive approach to the issue and was aimed at achieving structural change. The Plan's effective implementation required close cooperation between the Federal Government and the Länder, and among Federal ministries. The Federal Act to Protect against Violence aimed at providing quick protection for victims of violence, including court protection against offenders. A survey had highlighted the need for other types of support and advice for victims also. While the responsibility for establishing such a support infrastructure rested with the Federal Länder and municipalities, the right to a life free of violence was a political priority for the Federal Government. The Federal Ministry for Women had commissioned an evaluation of the Employee Protection Act of 1994 in regard to prevention of sexual harassment at work, which had clarified some of the obstacles to its effective implementation. The findings would be taken into account in the forthcoming reform of the Act in the wake of the transposition of the European Union's anti-discrimination directives.

368. With regard to the question of trafficking in women, a national working group had been established which acted as a steering body for the implementation of the Plan of Action, and good progress had been made in institutionalizing cooperation between various levels of government and other service providers. The Migration Act, which implemented a European Council directive providing, inter alia, short-term residence permits for victims of trafficking, consolidated the residence status of victims of trafficking in human beings. The Act, together with the strengthening of support measures, provided significant protection for victims.

369. Since 1999, gender mainstreaming was the guiding principle of the Federal Government's political action. The strategy was implemented through measures and pilot projects in almost all the departments of the Federal administration. A Gender Competence Centre had recently been inaugurated at Humboldt University in Berlin to support the implementation of gender mainstreaming in all areas of society. Germany had successfully advocated for the establishment of a dual strategy for an equality policy within the European Union, consisting of gender mainstreaming and of a traditional policy for the advancement of women. Germany's development cooperation was an illustration of a successful use of that dual track strategy and, in 2002, €37.4 million had been committed for gender mainstreaming and for women-specific projects in support of women's rights.

370. The reform policy of the Federal Government, contained in its Agenda 2010, introduced far-reaching reforms in areas such as economics, labour, finances and education. The interests of women and families had been brought to bear especially in regard to labour market reforms, and the impact of the reforms on women would be carefully followed. The representative also mentioned several past key measures, such as the Equal Opportunities Act for the Public Service, the introduction of parental leave, the legal claim to part-time employment, the reform of the Works Constitution Act, and the Job-Aqtiv Act aimed at promoting women's enrolment in employment promotion activities. The representative stressed her special concern about the labour market prospects for women in eastern Germany.

371. To achieve equal opportunities in employment, the conflicts of interest between family life and work still had to be resolved. The Government cooperated with relevant stakeholders to convince enterprises of the economic benefits of measures enabling workers to reconcile family life and work. The evaluation of activities implemented under the agreement of 2001 between the Federal Government and the Central Associations of German Business to promote equal opportunities for women and men would be presented shortly. The Government also promoted the self-employment of women as a priority within its strategy in support of medium-sized companies. The representative pointed out that the employment rate of women had reached 58.8 per cent in 2002 and the target of 60 per cent would be reached before 2010.

372. While Germany was ranked among the top 30 per cent of European countries in granting financial benefits to families, it was last in line with regard to provision of childcare and education facilities. Until 2010, a series of measures were planned to create needs-based facilities for children of all ages. While schools, day care and nurseries were the responsibility of the Länder and municipalities, the Federal Government had earmarked €4 billion for the establishment of all-day schools.

373. In conclusion, the representative noted that she had only highlighted some major aspects in regard to the implementation of the Convention and looked forward to the dialogue with the Committee on those and other issues.

Concluding comments of the Committee

Introduction

374. The Committee commends the State party for the timely submission of its fifth periodic report, which complies with the Committee's guidelines for the preparation of periodic reports. It also commends the State party on the written replies to the issues and questions of the pre-session working group and its oral presentation, which focused on recent developments in the country and further clarified the status of implementation of the Convention.

375. The Committee commends the State party for sending a high-level delegation, headed by the Parliamentary State Secretary to the Federal Minister for Family Affairs, Senior Citizens, Women and Youth. The Committee appreciates the constructive dialogue held between the delegation and the members of the Committee.

376. The Committee commends the State party for the withdrawal of the reservation to article 7 (b) of the Convention, which the State party had made upon ratification.

377. The Committee also commends the State party for objecting to reservations entered by other States parties that it considers incompatible with the object and purpose of the Convention.

Positive aspects

378. The Committee notes with appreciation the extensive network of institutions and mechanisms for gender equality at all levels of government, and the wide range of policies and programmes covering many areas of the Convention. It also notes with appreciation the integrated approach to gender mainstreaming and the recent inauguration of the Gender Competence Centre to support the introduction and

implementation of gender mainstreaming at various levels, including business, politics and administration.

379. The Committee notes with appreciation that the State party has ratified the Optional Protocol to the Convention and has accepted the amendment to article 20, paragraph 1, of the Convention, relating to the Committee's meeting time.

380. The Committee commends the State party for adopting a substantial number of laws and amendments with a view to improving the legal position of women, including the Act Amending the Aliens Act, providing for an independent right of residence for foreign spouses in the event of separation after two years of cohabitation in Germany or earlier under the hardship clause; the Federal Act on Implementing the Concept of Equal Opportunities between Women and Men, which allows preference to be given to women under certain conditions in areas where women are underrepresented; the Act to Protect against Violence, which provides for court orders against offenders, including violent partners, and the Job-Aqtiv Act, which expands specific labour market policy measures for women.

381. The Committee is pleased to note the active role played by non-governmental organizations working on gender equality and their cooperation with the State party, including through regular consultations, membership in supradepartmental working parties, contribution to the legislative process and membership in the German delegation to the Commission on the Status of Women since the twenty-third special session of the General Assembly.

382. The Committee welcomes the State party's policy of integrating a gender dimension into its development cooperation programmes and promoting women's human rights in that framework.

383. The Committee notes with appreciation that the fifth periodic report of the State party had been discussed in Parliament (the Bundestag).

Principal areas of concern and recommendations

384. The Committee is concerned about the continuation of pervasive stereotypical and conservative views of the role and responsibilities of women and men. It is also concerned that women are sometimes depicted by the media and in advertising as sex objects and in traditional roles.

385. **The Committee recommends that policies be strengthened and programmes implemented, including awareness-raising and educational campaigns directed at women and men, and specifically at media and advertising agencies, to help ensure the elimination of stereotypes associated with traditional roles in the family and the workplace, and in society at large. It also recommends that the media be encouraged to project a positive image of women and that concerted efforts be made to change men's and society's perception of women as sex objects.**

386. While acknowledging that a comprehensive plan of action has been implemented and noting that the results of a survey on violence against women are expected to become available later in 2004, the Committee regrets the limited data and information available with regard to the scope of violence against women, including domestic violence, the nature of the violence and the age and ethnicity of victims.

387. **The Committee urges the State party to provide in its next periodic report data and information on the nature and scope of violence against women, including within the family and any new forms of violence against women; including migrant women. The Committee also encourages the State party to continue its efforts to implement policies, plans and programmes aimed at combating violence against women.**

388. While noting the agreement to promote the equal opportunities of women and men in private industry, the Committee expresses concern at the high level of long-term unemployment of women, the increase in the number of women in part-time work and in low-paid and low-skilled jobs, the continuing wage discrimination women face and the discrepancy between their qualifications and occupational status. The Committee is also concerned that, notwithstanding the adoption of new regulations in the Child-raising Benefits Act, men seem to continue to resist taking parental leave.

389. **The Committee calls upon the State party to intensify its efforts to increase women's de facto equal opportunities in the labour market, including their access to full-time employment, inter alia, through the use of temporary special measures in accordance with article 4, paragraph 1, of the Convention and general recommendation 25, and to promote equal pay for work of equal value. The Committee recommends that the State party continue to monitor the impact of regulations on part-time work and on parental leave and increase incentives, as necessary, so as to counteract the possible adverse consequences of part-time work for women, especially in regard to their pension and retirement benefits, and to encourage fathers to make greater use of parental leave.**

390. The Committee is concerned that the Convention has not received the same degree of visibility and importance as regional legal instruments, particularly European Union directives, and is therefore not cited regularly as the legal basis for measures, including legislation, for the elimination of discrimination against women and the advancement of women in the State party.

391. **The Committee urges the State party to place greater emphasis on the Convention as a legally binding human rights instrument in its efforts to achieve the goal of gender equality. It also urges the State party to take proactive measures to enhance awareness of the Convention, in particular among parliamentarians, the judiciary and the legal profession at both the Federal level and the level of the Länder.**

392. The Committee expresses concern that some aspects of the Federal Government's reform policy, Agenda 2010, might have a particularly negative impact on women.

393. **The Committee recommends that the State party study and carefully monitor the impact of its economic and social reforms on women at all stages of planning, implementation and evaluation so as to introduce changes where necessary to counteract possible negative effects.**

394. The Committee is concerned about the situation of migrant and minority women, including Sinti and Roma women, who suffer from multiple forms of discrimination based on sex, ethnic or religious background and race, and at the vulnerability of some of these women to trafficking and sexual exploitation. The

Committee regrets the lack of specific information provided in the reports with regard to their access to health, employment and education, as well as various forms of violence committed against them and, in particular, data and information about forced marriages. The Committee is also concerned about the situation of some foreign women domestic workers in the households of diplomats.

395. **The Committee urges the State party to take effective measures to eliminate discrimination against migrant and minority women, both in society at large and within their communities, and to respect and promote their human rights, through effective and proactive measures, including awareness-raising programmes. The Committee recommends that the State party continue to undertake research on the situation of migrant and minority women and girls, and to provide the Committee with adequate data and information on their situation in the next periodic report, including in regard to trafficking and sexual exploitation, and on prevention and rehabilitation measures targeted at these groups. The Committee also recommends that the State party intensify efforts to protect the human rights of foreign women domestic workers in diplomatic households.**

396. While appreciating that women's participation in political life has exceeded the critical threshold of 30 per cent, the Committee is concerned that women are underrepresented in the higher echelons of several other sectors of public life, particularly in the civil service, the diplomatic service, science and research and academia.

397. **The Committee calls on the State party to take steps to facilitate increased access of women to high-level positions. It recommends the adoption of proactive measures to remove existing obstacles and, where necessary, to implement temporary special measures, as provided for in article 4, paragraph 1, of the Convention.**

398. The Committee expresses concern that some references to "temporary special measures" in the report of the State party indicate a lack of a clear understanding of article 4, paragraph 1, of the Convention.

399. **The Committee recommends that, in preparing its next report, the State party take account of the Committee's general recommendation 25, on article 4, paragraph 1, of the Convention.**

400. While acknowledging that the Act Regulating the Legal Situation of Prostitutes aimed at the improvement of the legal and social protection has come into force, the Committee remains concerned at the exploitation of prostitutes.

401. **The Committee recommends that the State party monitor the Act and provide, in its next report, an assessment of its effects. The Committee recommends the implementation of programmes that offer a wide range of alternative means of earning a livelihood, thereby discouraging women from entering into prostitution, as well as rehabilitation programmes to help them. The Committee also recommends the implementation of educational and information programmes on the human rights issues involved in the exploitation of prostitution.**

402. While noting that numerous studies and surveys were commissioned following the consideration of the combined second and third periodic report and the fourth

periodic report, the Committee expresses concern that it has been provided with few results or outcomes in time for its consideration of the fifth periodic report.

403. **The Committee requests the State party to provide, in its next report, information on the results obtained from such studies and surveys with regard to the impact of laws, policies, plans and programmes aimed at achieving gender equality.**

404. **The Committee recommends that the State party consult with women's non-governmental organizations during the preparation of the next periodic report.**

405. **The Committee requests the State party to respond to the concerns expressed in the present concluding comments in its next report, due in 2006, under article 18 of the Convention.**

406. **Taking account of the gender dimensions of declarations, programmes and platforms for action adopted by relevant United Nations conferences, summits and special sessions, such as the special session of the General Assembly to review and appraise the implementation of the Programme of Action of the International Conference on Population and Development (the twenty-first special session), the special session of the General Assembly on children (the twenty-seventh special session), the World Conference on Racism, Racial Discrimination, Xenophobia and Related Intolerance and the Second World Assembly on Ageing, the Committee requests the State party to include information on the implementation of aspects of those documents relating to relevant articles of the Convention in its next periodic report.**

407. **The Committee requests the wide dissemination in Germany of the present concluding comments in order to make the people of Germany, in particular government administrators and politicians, aware of the steps that have been taken to ensure de jure and de facto equality for women and the future steps required in that regard. It also requests the State party to continue to disseminate widely, in particular to women's and human rights organizations, the Convention and its Optional Protocol, the Committee's general recommendations and the Beijing Declaration and Platform for Action, as well as the results of the twenty-third special session of the General Assembly, entitled "Women 2000: gender equality, development and peace for the twenty-first century".**

Chapter V

Activities carried out under the Optional Protocol to the Convention

408. Article 12 of the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women provides that the Committee shall include in its annual report under article 21 of the Convention a summary of its activities under the Protocol.

A. Action taken by the Committee in respect of issues arising from article 2 of the Optional Protocol

409. The Committee took note of the report of the Working Group on Communications under the Optional Protocol and of the decisions adopted by the Working Group (see annex III to the present report).

B. Action taken by the Committee in respect of issues arising from article 8 of the Optional Protocol

410. In accordance with article 8, paragraph 1, of the Optional Protocol, if the Committee receives reliable information indicating grave or systematic violations by a State party of rights set forth in the Convention, the Committee shall invite that State party to cooperate in the examination of the information and, to that end, to submit observations with regard to the information concerned.

411. In accordance with rule 77 of the Committee's rules of procedure, the Secretary-General shall bring to the attention of the Committee information that is or appears to be submitted for the Committee's consideration under article 8, paragraph 1, of the Optional Protocol.

412. The Committee continued its work under article 8 of the Optional Protocol during the period under review. In accordance with the provisions of rules 80 and 81 of the Committee's rules of procedure, all documents and proceedings of the Committee relating to its functions under article 8 of the Optional Protocol are confidential and all the meetings concerning its proceedings under that article are closed.

Chapter VI
Ways and means of expediting the work of the Committee

413. The Committee considered agenda item 7, ways and means of expediting the work of the Committee, at its 629th and 647th meetings, on 12 and 30 January 2004 and in closed meetings.

Action taken by the Committee under agenda item 7

Members of the pre-session working group for the thirty-first and thirty-second sessions

414. The Committee decided that the members of the pre-session working group for the thirty-first session should be:

Pramila Patten
Rosario Manalo
Göran Melander
Yolanda Ferrer Gómez

415. The Committee decided that the members of the pre-session working group for the thirty-second session and their alternates should be:

Members

Dorcas Ama Frema Coker-Appiah
Françoise Gaspard
Aida González Martínez
Victoria Popescu
Heisoo Shin

Alternates

Yolanda Ferrer Gómez
Salma Khan
Fatima Kwaku
Dubravka Šimonović
Maria Regina Tavares da Silva

Dates of the thirty-first session, the meeting of the pre-session working group for the thirty-second session and the fourth session of the Working Group on Communications under the Optional Protocol

416. In accordance with the draft calendar of conferences and meetings for 2004, the thirty-first session of the Committee will be held from 6 to 23 July 2004. The pre-session working group for the thirty-second session will meet from 26 to 30 July 2004. The Working Group on Communications under the Optional Protocol will hold its fourth session from 30 June to 2 July 2004.

Dates of the thirty-second session, the meeting of the pre-session working group for the thirty-third session, and the fifth session of the Working Group on Communications under the Optional Protocol

417. In accordance with the draft calendar of conferences and meetings for 2005, the thirty-second session of the Committee will be held from 10 to 28 January 2005. The pre-session working group for the thirty-third session will meet from 31 January to 4 February 2005. The Working Group on Communications under the Optional Protocol will hold its fifth session from 31 January to 4 February 2005.

Reports to be considered at future sessions of the Committee

418. The Committee decided to consider the following reports at its thirty-first and thirty-second sessions:

(a) *Thirty-first session*

(i) Initial, second and third periodic reports:

Angola

Malta

Latvia

(ii) Second, third, fourth and fifth periodic report:

Equatorial Guinea

(iii) Fifth periodic reports:

Bangladesh

Dominican Republic

Spain

(iv) Follow-up report:

Argentina

(b) *Thirty-second session*

(i) Initial reports:

Samoa (combined initial, second and third report)

Laos (combined initial, second, third, fourth and fifth report)

(ii) Periodic reports:

Algeria (second periodic report)

Croatia (combined second and third periodic report)

Gabon (combined second, third, fourth and fifth periodic report)

Italy (combined fourth and fifth periodic report)

Paraguay (combined third and fourth periodic report)

Turkey (combined fourth and fifth periodic report)

United Nations meetings to be attended by the Chairperson or members of the Committee in 2004

419. The Committee recommended that the Chairperson or an alternate attend the following meetings in 2004:

(a) The forty-eighth session of the Commission on the Status of Women;

(b) The sixtieth session of the Commission on Human Rights;

(c) The third inter-committee meeting of the human rights treaty bodies, to be held at Geneva on 21 and 22 June 2004 (to be attended by the Chairperson and two members of the Committee);

(d) The sixteenth meeting of the chairpersons of human rights treaty bodies, to be held from 23 to 25 June 2004;

(e) The fifty-ninth session of the General Assembly (Third Committee and the commemorative event for the twenty-fifth anniversary of the adoption of the Convention by the General Assembly).

Enhancing the Committee's working methods under article 18 of the Convention

Consideration of reports of States parties

420. The Committee continued its consideration of measures to enhance the effectiveness of its working methods. In particular, it discussed the option of considering periodic reports submitted under article 18 of the Convention in parallel working groups, on the basis of a background note prepared by the secretariat on the implications and possible modalities of this option (CEDAW/C/2004/I/4/Add.2). Other alternatives, such as extending the Committee's two annual sessions by one week each, and holding exceptional (third) sessions, were also mentioned. The Committee was informed that, at the beginning of its thirtieth session, the reports of a total of 33 States parties were awaiting consideration, not including those that would be taken up at that session, and that 14 reports had been received by the secretariat since the closure of the Committee's twenty-ninth session. The Committee was concerned that the significant number of reports awaiting consideration and the related delay in their consideration itself constituted a disincentive for States parties to report in a timely manner. It also was aware that, in future, time would have to be allocated, during its annual sessions, for the implementation of its mandate under the Optional Protocol to the Convention. The Committee agreed to consider further its working methods at the informal meeting to be held in May at Utrecht, the Netherlands (see below), where it would give further consideration to the modalities of considering periodic reports in parallel working groups.

Informal meeting of the Committee

421. The Committee welcomed with appreciation the invitation of the Government of the Netherlands to hold an informal meeting from 5 to 7 May 2004 at Utrecht, the Netherlands. It expressed its gratitude to Cornelis Flinterman for his initiative in obtaining that invitation, and his willingness to prepare the meeting, in coordination with the secretariat. It was agreed that the major focus of the meeting would be the Committee's working methods. In particular, the Committee would discuss

consideration of reports of States parties; concluding comments; the option of meeting in parallel working groups for consideration of periodic reports; and expanded core document and harmonized reporting guidelines. Time would also be set aside for a brainstorming session on the content and approach for the Committee's next general recommendation, on article 2. The Committee entrusted its Chairperson, in coordination with Mr. Flinterman and the secretariat, with the task of preparing the organization of work. It requested the secretariat to prepare a background note on the items included in the agenda of the informal meeting in order to facilitate the discussion.

Implementation of the Committee's strategy to encourage States parties to report in accordance with article 18 of the Convention

422. In follow-up to its closed meeting held on 16 July 2003 with States parties whose reports were more than five years overdue, and in further clarification of its incremental measures to encourage reporting, including the letter addressed by the Chairperson to those 29 States whose initial reports were more than five years overdue as at 18 July 2003,[2] the Committee noted that a few States had submitted their initial reports. Several others had informed either the Chairperson or the secretariat of the status of preparation of their reports. The Committee decided to further assess the situation with regard to non-submission of initial reports at its thirty-first session, and to postpone, for the time being, the follow-up meeting planned for the thirty-first session with those States whose initial reports would be more than five years overdue as of May 2004. Further action in that regard would also be influenced by the Committee's ability to consider reports received within a reasonable period of time.

Overview of the Committee's working methods

423. The Committee agreed to include in its annual report an overview of its current working methods in order to make these more transparent and readily accessible to States parties and others interested in the implementation of the Convention, including United Nations organizations, programmes and funds as well as civil society organizations (see annex IV to the present report).

Statement on the situation of women in Iraq

424. The Committee discussed recent developments concerning the situation of women in Iraq, and in particular action taken by the Governing Council, and adopted a statement (see annex II to the present report). The Committee requested its Chairperson to transmit the statement to the Secretary-General of the United Nations, and to issue it as a press release of the Committee.

Request for a combined second and third periodic report

425. The Committee expressed its disappointment that no reply had been received from the Government of India in response to the Committee's request at its last session. The Committee therefore decided to request the Government once again to provide the anticipated date of submission of its combined second and third periodic

[2] See *Official Records of the General Assembly, Fifty-seventh Session, Supplement No. 38* (A/57/38), part two, para. 369, and ibid., *Fifty-eighth Session, Supplement No. 38* (A/58/38), part two, paras. 453-456.

report (due on 8 August 1998 and 8 August 2002, respectively), including information on the events in Gujarat and their impact on women. The Committee also decided that its Chairperson would request a meeting with the Permanent Representative of India to the United Nations while attending the forty-eighth session of the Commission on the Status of Women in March 2004 to seek clarification from the Government on the status of the preparation of the said report.

Twenty-fifth anniversary of the adoption of the Convention

426. The Committee supported the proposal of its Chairperson that the twenty-fifth anniversary of the adoption of the Convention by the General Assembly should be commemorated with an event at an appropriate level of visibility during the fifty-ninth session of the General Assembly. Such an event should provide an opportunity to highlight the progress made in the implementation of the Convention and the Committee's contribution to those efforts, but also to indicate that universal enjoyment by all women of their human rights remains a goal far from being achieved. The Committee requested its secretariat to plan and implement such an event.

Chapter VII
Implementation of article 21 of the Convention

427. The Committee considered agenda item 6, on the implementation of article 21 of the Convention, at its 629th and 647th meetings, on 12 and 30 January 2004, and in closed meetings.

Action taken by the Committee under agenda item 6

General recommendation 25, on article 4, paragraph 1, of the Convention

428. The Committee took note with appreciation of the revised draft of the Committee's general recommendation on article 4, paragraph 1, of the Convention, on temporary special measures, which had been completed by Ms. Schöpp-Schilling, Ms. Patten and Mr. Flinterman. The Committee thanked the drafting group, in particular Ms. Schöpp-Schilling, for the efforts towards the finalization of the text, and adopted the draft, as further revised (see annex I to the present report).

Future work on general recommendations

429. The Committee reviewed its procedure for the preparation of general recommendations,[3] its long-term programme of work, and topics that had been identified for elaboration of general recommendations. The Committee agreed that the next general recommendation would be on article 2 of the Convention and that work thereon would commence at the thirty-first session, in July 2004. Accordingly, the first stage of the process, that is, general discussions and exchange of views on the subject of the proposed general recommendation during an open meeting of the Committee, would be held at the thirty-first session. Specialized agencies and other United Nations bodies, as well as non-governmental organizations, would be encouraged to participate in the discussion and to prepare informal background papers as appropriate. The secretariat was requested to make the decision widely known so as to facilitate the contributions of those entities to the preparatory work.

[3] See *Official Records of the General Assembly, Fifty-second Session, Supplement No. 38* (A/52/38/Rev.1), part two, para. 480.

Chapter VIII
Provisional agenda for the thirty-first session

430. The Committee considered the draft provisional agenda for its thirty-first session at its 647th meeting (see CEDAW/C/SR.647). The Committee decided to approve the following provisional agenda for the session:

1. Opening of the session.
2. Adoption of the agenda and organization of work.
3. Report of the Chairperson on activities undertaken between the thirtieth and thirty-first sessions of the Committee.
4. Consideration of reports submitted by States parties under article 18 of the Convention on the Elimination of All Forms of Discrimination against Women.
5. Implementation of article 21 of the Convention on the Elimination of All Forms of Discrimination against Women.
6. Ways and means of expediting the work of the Committee.
7. Activities of the Committee under the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women.
8. Provisional agenda for the thirty-second session.
9. Adoption of the report of the Committee on its thirty-first session.

Chapter IX

Adoption of the report

431. The Committee considered the draft report on its thirtieth session (CEDAW/C/2004/I/L.1 and CEDAW/C/2004/I/CRP.3 and Add.1-8) at its 647th meeting (see CEDAW/C/SR.647) and adopted it as orally revised during the discussion.

Annex I

General recommendation No. 25, on article 4, paragraph 1, of the Convention on the Elimination of All Forms of Discrimination against Women, on temporary special measures

I. Introduction

1. The Committee on the Elimination of Discrimination against Women decided at its twentieth session (1999), pursuant to article 21 of the Convention, to elaborate a general recommendation on article 4, paragraph 1, of the Convention on the Elimination of All Forms of Discrimination against Women. This new general recommendation would build, inter alia, on earlier general recommendations, including general recommendation No. 5 (seventh session, 1988), on temporary special measures, No. 8 (seventh session, 1988), on the implementation of article 8 of the Convention, and No. 23 (sixteenth session, 1997), on women in public life, as well as on reports of States parties to the Convention and on the Committee's concluding comments on those reports.

2. With the present general recommendation, the Committee aims to clarify the nature and meaning of article 4, paragraph 1, in order to facilitate and ensure its full utilization by States parties in the implementation of the Convention. The Committee encourages States parties to translate this general recommendation into national and local languages and to disseminate it widely to the legislative, executive and judicial branches of government, including their administrative structures, as well as civil society, including the media, academia, and human rights and women's associations and institutions.

II. Background: the object and purpose of the Convention

3. The Convention is a dynamic instrument. Since the adoption of the Convention in 1979, the Committee, as well as other actors at the national and international levels, have contributed through progressive thinking to the clarification and understanding of the substantive content of the Convention's articles and the specific nature of discrimination against women and the instruments for combating such discrimination.

4. The scope and meaning of article 4, paragraph 1, must be determined in the context of the overall object and purpose of the Convention, which is to eliminate all forms of discrimination against women with a view to achieving women's de jure and de facto equality with men in the enjoyment of their human rights and fundamental freedoms. States parties to the Convention are under a legal obligation to respect, protect, promote and fulfil this right to non-discrimination for women and to ensure the development and advancement of women in order to improve their position to one of de jure as well as de facto equality with men.

5. The Convention goes beyond the concept of discrimination used in many national and international legal standards and norms. While such standards and norms prohibit discrimination on the grounds of sex and protect both men and women from treatment based on arbitrary, unfair and/or unjustifiable distinctions,

the Convention focuses on discrimination against women, emphasizing that women have suffered, and continue to suffer, from various forms of discrimination because they are women.

6. A joint reading of articles 1 to 5 and 24, which form the general interpretative framework for all of the substantive articles of the Convention, indicates that three obligations are central to States parties' efforts to eliminate discrimination against women. These obligations should be implemented in an integrated fashion and extend beyond a purely formal legal obligation of equal treatment of women with men.

7. Firstly, States parties' obligation is to ensure that there is no direct or indirect[a] discrimination against women in their laws and that women are protected against discrimination — committed by public authorities, the judiciary, organizations, enterprises or private individuals — in the public as well as the private spheres by competent tribunals as well as sanctions and other remedies. Secondly, States parties' obligation is to improve the de facto position of women through concrete and effective policies and programmes. Thirdly, States parties' obligation is to address prevailing gender relations[b] and the persistence of gender-based stereotypes that affect women not only through individual acts by individuals but also in law, and legal and societal structures and institutions.

8. In the Committee's view, a purely formal legal or programmatic approach is not sufficient to achieve women's de facto equality with men, which the Committee interprets as substantive equality. In addition, the Convention requires that women be given an equal start and that they be empowered by an enabling environment to achieve equality of results. It is not enough to guarantee women treatment that is identical to that of men. Rather, biological as well as socially and culturally constructed differences between women and men must be taken into account. Under certain circumstances, non-identical treatment of women and men will be required in order to address such differences. Pursuit of the goal of substantive equality also calls for an effective strategy aimed at overcoming underrepresentation of women and a redistribution of resources and power between men and women.

9. Equality of results is the logical corollary of de facto or substantive equality. These results may be quantitative and/or qualitative in nature; that is, women enjoying their rights in various fields in fairly equal numbers with men, enjoying the same income levels, equality in decision-making and political influence, and women enjoying freedom from violence.

10. The position of women will not be improved as long as the underlying causes of discrimination against women, and of their inequality, are not effectively addressed. The lives of women and men must be considered in a contextual way, and measures adopted towards a real transformation of opportunities, institutions and systems so that they are no longer grounded in historically determined male paradigms of power and life patterns.

11. Women's biologically determined permanent needs and experiences should be distinguished from other needs that may be the result of past and present discrimination against women by individual actors, the dominant gender ideology, or by manifestations of such discrimination in social and cultural structures and institutions. As steps are being taken to eliminate discrimination against women, women's needs may change or disappear, or become the needs of both women and

men. Thus, continuous monitoring of laws, programmes and practices directed at the achievement of women's de facto or substantive equality is needed so as to avoid a perpetuation of non-identical treatment that may no longer be warranted.

12. Certain groups of women, in addition to suffering from discrimination directed against them as women, may also suffer from multiple forms of discrimination based on additional grounds such as race, ethnic or religious identity, disability, age, class, caste or other factors. Such discrimination may affect these groups of women primarily, or to a different degree or in different ways than men. States parties may need to take specific temporary special measures to eliminate such multiple forms of discrimination against women and its compounded negative impact on them.

13. In addition to the Convention on the Elimination of All Forms of Discrimination against Women, other international human rights instruments and policy documents adopted in the United Nations system contain provisions on temporary special measures to support the achievement of equality. Such measures are described in different terminology, and the meaning and interpretation given to such measures also differs. It is the Committee's hope that the present general recommendation on article 4, paragraph 1, will contribute to a clarification of terminology.

14. The Convention targets discriminatory dimensions of past and current societal and cultural contexts which impede women's enjoyment of their human rights and fundamental freedoms. It aims at the elimination of all forms of discrimination against women, including the elimination of the causes and consequences of their de facto or substantive inequality. Therefore, the application of temporary special measures in accordance with the Convention is one of the means to realize de facto or substantive equality for women, rather than an exception to the norms of non-discrimination and equality.

III. The meaning and scope of temporary special measures in the Convention

Article 4, paragraph 1

Adoption by States parties of temporary special measures aimed at accelerating de facto equality between men and women shall not be considered discrimination as defined in the present Convention, but shall in no way entail as a consequence the maintenance of unequal or separate standards; these measures shall be discontinued when the objectives of equality of opportunity and treatment have been achieved.

Article 4, paragraph 2

Adoption by States parties of special measures, including those measures contained in the present Convention, aimed at protecting maternity shall not be considered discriminatory.

A. Relationship between paragraphs 1 and 2 of article 4

15. There is a clear difference between the purpose of the "special measures" under article 4, paragraph 1, and those of paragraph 2. The purpose of article 4, paragraph 1, is to accelerate the improvement of the position of women to achieve their de facto or substantive equality with men, and to effect the structural, social

and cultural changes necessary to correct past and current forms and effects of discrimination against women, as well as to provide them with compensation. These measures are of a temporary nature.

16. Article 4, paragraph 2, provides for non-identical treatment of women and men due to their biological differences. These measures are of a permanent nature, at least until such time as the scientific and technological knowledge referred to in article 11, paragraph 3, would warrant a review.

B. Terminology

17. The various *travaux préparatoires* of the Convention use different terms to describe the "temporary special measures" included in article 4, paragraph 1. The Committee itself, in its previous general recommendations, used various terms. States parties often equate "special measures" in its corrective, compensatory and promotional sense with the terms "affirmative action", "positive action", "positive measures", "reverse discrimination" and "positive discrimination". These terms emerge from the discussions and varied practices found in different national contexts.[4] In the present general recommendation, and in accordance with its practice in the consideration of reports of States parties, the Committee uses solely the term "temporary special measures", as called for in article 4, paragraph 1.

C. Key elements of article 4, paragraph 1

18. Measures taken under article 4, paragraph 1, by States parties should aim to accelerate the equal participation of women in the political, economic, social, cultural, civil or any other field. The Committee views the application of these measures not as an exception to the norm of non-discrimination, but rather as an emphasis that temporary special measures are part of a necessary strategy by States parties directed towards the achievement of de facto or substantive equality of women with men in the enjoyment of their human rights and fundamental freedoms. While the application of temporary special measures often remedies the effects of past discrimination against women, the obligation of States parties under the Convention to improve the position of women to one of de facto or substantive equality with men exists irrespective of any proof of past discrimination. The Committee considers that States parties that adopt and implement such measures under the Convention do not discriminate against men.

19. States parties should clearly distinguish between temporary special measures taken under article 4, paragraph 1, to accelerate the achievement of a concrete goal for women of de facto or substantive equality, and other general social policies adopted to improve the situation of women and the girl child. Not all measures that potentially are, or will be, favourable to women are temporary special measures. The provision of general conditions in order to guarantee the civil, political, economic, social and cultural rights of women and the girl child, designed to ensure for them a life of dignity and non-discrimination, cannot be called temporary special measures.

20. Article 4, paragraph 1, explicitly states the "temporary" nature of such special measures. Such measures should therefore not be deemed necessary forever, even though the meaning of "temporary" may, in fact, result in the application of such measures for a long period of time. The duration of a temporary special measure should be determined by its functional result in response to a concrete problem and not by a predetermined passage of time. Temporary special measures must be

discontinued when their desired results have been achieved and sustained for a period of time.

21. The term "special", though being in conformity with human rights discourse, also needs to be carefully explained. Its use sometimes casts women and other groups who are subject to discrimination as weak, vulnerable and in need of extra or "special" measures in order to participate or compete in society. However, the real meaning of "special" in the formulation of article 4, paragraph 1, is that the measures are designed to serve a specific goal.

22. The term "measures" encompasses a wide variety of legislative, executive, administrative and other regulatory instruments, policies and practices, such as outreach or support programmes; allocation and/or reallocation of resources; preferential treatment; targeted recruitment, hiring and promotion; numerical goals connected with time frames; and quota systems. The choice of a particular "measure" will depend on the context in which article 4, paragraph 1, is applied and on the specific goal it aims to achieve.

23. The adoption and implementation of temporary special measures may lead to a discussion of the qualifications and merit of the group or individuals so targeted, and an argument against preferences for allegedly lesser-qualified women over men in areas such as politics, education and employment. As temporary special measures aim at accelerating the achievement of de facto or substantive equality, questions of qualification and merit, in particular in the area of employment in the public and private sectors, need to be reviewed carefully for gender bias as they are normatively and culturally determined. For appointment, selection or election to public and political office, factors other than qualification and merit, including the application of the principles of democratic fairness and electoral choice, may also have to play a role.

24. Article 4, paragraph 1, read in conjunction with articles 1, 2, 3, 5 and 24, needs to be applied in relation to articles 6 to 16 which stipulate that States parties "shall take all appropriate measures". Consequently, the Committee considers that States parties are obliged to adopt and implement temporary special measures in relation to any of these articles if such measures can be shown to be necessary and appropriate in order to accelerate the achievement of overall, or a specific goal of, women's de facto or substantive equality.

IV. Recommendations to States parties

25. Reports of States parties should include information on the adoption, or lack thereof, of temporary special measures in accordance with article 4, paragraph 1, of the Convention, and States parties should preferably adhere to the terminology "temporary special measures", to avoid confusion.

26. States parties should clearly distinguish between temporary special measures aimed at accelerating the achievement of a concrete goal of women's de facto or substantive equality, and other general social policies adopted and implemented in order to improve the situation of women and the girl child. States parties should bear in mind that not all measures which potentially are or would be favourable to women qualify as temporary special measures.

27. States parties should analyse the context of women's situation in all spheres of life, as well as in the specific, targeted area, when applying temporary special measures to accelerate the achievement of women's de facto or substantive equality. They should evaluate the potential impact of temporary special measures with regard to a particular goal within their national context and adopt those temporary special measures which they consider to be the most appropriate to accelerate the achievement of de facto or substantive equality for women.

28. States parties should explain the reasons for choosing one type of measure over another. The justification for applying such measures should include a description of the actual life situation of women, including the conditions and influences which shape their lives and opportunities — or that of a specific group of women, suffering from multiple forms of discrimination — and whose position the State party intends to improve in an accelerated manner with the application of such temporary special measures. At the same time, the relationship between such measures and general measures and efforts to improve the position of women should be clarified.

29. States parties should provide adequate explanations with regard to any failure to adopt temporary special measures. Such failures may not be justified simply by asserting powerlessness, or by explaining inaction through predominant market or political forces, such as those inherent in the private sector, private organizations, or political parties. States parties are reminded that article 2 of the Convention, which needs to be read in conjunction with all other articles, imposes accountability on the State party for action by these actors.

30. States parties may report on temporary special measures under several articles. Under article 2, States parties are invited to report on the legal or other basis for such measures, and their justification for choosing a particular approach. States parties are further invited to give details about any legislation concerning temporary special measures, and in particular whether such legislation provides for the mandatory or voluntary nature of temporary special measures.

31. States parties should include, in their constitutions or in their national legislation, provisions that allow for the adoption of temporary special measures. The Committee reminds States parties that legislation, such as comprehensive anti-discrimination acts, equal opportunities acts or executive orders on women's equality, can give guidance on the type of temporary special measures that should be applied to achieve a stated goal, or goals, in given areas. Such guidance can also be contained in specific legislation on employment or education. Relevant legislation on non-discrimination and temporary special measures should cover governmental actors as well as private organizations or enterprises.

32. The Committee draws the attention of States parties to the fact that temporary special measures may also be based on decrees, policy directives and/or administrative guidelines formulated and adopted by national, regional or local executive branches of government to cover the public employment and education sectors. Such temporary special measures may include the civil service, the political sphere and the private education and employment sectors. The Committee further draws the attention of States parties to the fact that such measures may also be negotiated between social partners of the public or private employment sector or be applied on a voluntary basis by public or private enterprises, organizations, institutions and political parties.

33. The Committee reiterates that action plans for temporary special measures need to be designed, applied and evaluated within the specific national context and against the background of the specific nature of the problem which they are intended to overcome. The Committee recommends that States parties provide in their reports details of any action plans which may be directed at creating access for women and overcoming their underrepresentation in certain fields, at redistributing resources and power in particular areas, and/or at initiating institutional change to overcome past or present discrimination and accelerate the achievement of de facto equality. Reports should also explain whether such action plans include considerations of unintended potential adverse side effects of such measures as well as possible action to protect women against them. States parties should also describe in their reports the results of temporary special measures and assess the causes of the possible failure of such measures.

34. Under article 3, States parties are invited to report on the institution(s) responsible for designing, implementing, monitoring, evaluating and enforcing such temporary special measures. Such responsibility may be vested in existing or planned national institutions, such as women's ministries, women's departments within ministries or presidential offices, ombudspersons, tribunals or other entities of a public or private nature with the requisite mandate to design specific programmes, monitor their implementation, and evaluate their impact and outcomes. The Committee recommends that States parties ensure that women in general, and affected groups of women in particular, have a role in the design, implementation and evaluation of such programmes. Collaboration and consultation with civil society and non-governmental organizations representing various groups of women is especially recommended.

35. The Committee draws attention to and reiterates its general recommendation No. 9, on statistical data concerning the situation of women, and recommends that States parties provide statistical data disaggregated by sex in order to measure the achievement of progress towards women's de facto or substantive equality and the effectiveness of temporary special measures.

36. States parties should report on the type of temporary special measures taken in specific fields under the relevant article(s) of the Convention. Reporting under the respective article(s) should include references to concrete goals and targets, timetables, the reasons for choosing particular measures, steps to enable women to access such measures, and the institution accountable for monitoring implementation and progress. States parties are also asked to describe how many women are affected by a measure, how many would gain access and participate in a certain field because of a temporary special measure, or the amount of resources and power it aims to redistribute to how many women, and within what time frame.

37. The Committee reiterates its general recommendations 5, 8 and 23, wherein it recommended the application of temporary special measures in the fields of education, the economy, politics and employment, in the area of women representing their Governments at the international level and participating in the work of international organizations, and in the area of political and public life. States parties should intensify, within their national contexts, such efforts especially with regard to all facets of education at all levels as well as all facets and levels of training, employment and representation in public and political life. The Committee recalls that in all instances, but particularly in the area of health, States parties should

carefully distinguish in each field between measures of an ongoing and permanent nature and those of a temporary nature.

38. States parties are reminded that temporary special measures should be adopted to accelerate the modification and elimination of cultural practices and stereotypical attitudes and behaviour that discriminate against or are disadvantageous for women. Temporary special measures should also be implemented in the areas of credit and loans, sports, culture and recreation, and legal awareness. Where necessary, such measures should be directed at women subjected to multiple discrimination, including rural women.

39. Although the application of temporary special measures may not be possible under all the articles of the Convention, the Committee recommends that their adoption be considered whenever issues of accelerating access to equal participation, on the one hand, and accelerating the redistribution of power and resources, on the other hand, are involved as well as where it can be shown that these measures will be necessary and most appropriate under the circumstances.

Notes

[illegible] Indirect discrimination against women may occur when laws, policies and programmes are based on seemingly gender-neutral criteria which in their actual effect have a detrimental impact on women. Gender-neutral laws, policies and programmes unintentionally may perpetuate the consequences of past discrimination. They may be inadvertently modelled on male lifestyles and thus fail to take into account aspects of women's life experiences which may differ from those of men. These differences may exist because of stereotypical expectations, attitudes and behaviour directed towards women which are based on the biological differences between women and men. They may also exist because of the generally existing subordination of women to men.

[illegible] "Gender is defined as the social meanings given to biological sex differences. It is an ideological and cultural construct, but is also reproduced within the realm of material practices, in turn it influences the outcomes of such practices. It affects the distribution of resources, wealth, work, decision-making and political power, and enjoyment of rights and entitlements within the family as well as public life. Despite variations across cultures and over time, gender relations throughout the world entail asymmetry of power between men and women as a pervasive trait. Thus, gender is a social stratifier, and in this sense it is similar to other stratifiers such as race, class, ethnicity, sexuality, and age. It helps us understand the social construction of gender identities and the unequal structure of power that underlies the relationship between the sexes." *1999 World Survey on the Role of Women in Development*, United Nations, New York, 1999, page ix.

[illegible] See, for example, the International Convention on the Elimination of All Forms of Racial Discrimination, which mandates temporary special measures. The practice of treaty monitoring bodies, including the Committee on the Elimination of Racial Discrimination, the Committee on Economic, Social and Cultural Rights, and the Human Rights Committee, shows that these bodies consider the application of temporary special measures as mandatory to achieve the purposes of the respective treaties. Conventions adopted under the auspices of the International Labour Organization, and various documents of the United Nations Educational, Scientific and Cultural Organization also explicitly or implicitly provide for such measures. The Subcommission on the Promotion and Protection of Human Rights considered this question and appointed a Special Rapporteur to prepare reports for its consideration and action. The Commission on the Status of Women reviewed the use of temporary special measures in 1992. The outcome documents adopted by United Nations world conferences on women, including the Platform for Action of the 1995 Fourth World Conference on Women and its follow-up review of 2000, contain references to positive action as a tool for achieving de facto equality. The use

of temporary special measures by the Secretary-General of the United Nations is a practical example in the area of women's employment, including through administrative instructions on the recruitment, promotion and placement of women in the Secretariat. These measures aim at achieving the goal of 50/50 gender distribution at all levels, but at the higher echelons in particular.

[1] The term "affirmative action" is used in the United States of America and in a number of United Nations documents, whereas the term "positive action" is currently widely used in Europe as well as in many United Nations documents. However, the term "positive action" is used in yet another sense in international human rights law to describe "positive State action" (the obligation of a State to initiate action versus a State's obligation to abstain from action). Hence, the term "positive action" is ambiguous inasmuch as its meaning is not confined to temporary special measures as understood in article 4, paragraph 1, of the Convention. The terms "reverse discrimination" or "positive discrimination" are criticized by a number of commentators as inappropriate.

Annex II

Statement by the Committee on the Elimination of Discrimination against Women on the situation of women in Iraq

The Committee on the Elimination of Discrimination against Women, during its thirtieth session, held at United Nations Headquarters in New York from 12 to 30 January 2004, noted with concern recent developments with regard to the situation of women's human rights in Iraq. In particular, the Committee noted a decision by the Governing Council of Iraq dated 29 December 2003 to repeal existing civil statutes governing issues related to marriage, divorce, child custody and inheritance.

The Committee notes the fact that Iraq is a State party to the Convention on the Elimination of All Forms of Discrimination against Women. In this regard, the Committee, at its twenty-ninth session, held from 30 June to 18 July 2003, had already sent a letter to the then Special Representative of the Secretary-General for Iraq and United Nations High Commissioner for Human Rights, the late Sergio Vieira de Mello, on the need to take into consideration the Convention with regard to the situation of women in post-war Iraq.

The Committee welcomes the resolve of the international community to assist Iraq in the reconstruction process. The Committee calls upon all parties concerned to place special emphasis in all their actions and activities on the respect for and protection of international human rights standards and norms, in particular those that specifically guarantee the rights of women and girls, and which are an inalienable, integral and indivisible part of universal human rights. The Committee considers such emphasis essential to the development of Iraqi society.

The Committee wishes to emphasize that women must be full and equal participants in all post-war reconstruction activities and in all spheres of life of Iraqi society and its development, and in particular in the drafting of Iraq's new Constitution and any revision of its legislative framework. All legislative reforms and decisions of all responsible authorities in Iraq must conform fully with the Convention on the Elimination of All Forms of Discrimination against Women so as to ensure de jure and de facto equality between women and men, and their full enjoyment of all human rights and fundamental freedoms.

The Committee calls on the international community and all responsible authorities in Iraq to ensure full compliance with and implementation of all the provisions of the Convention on the Elimination of All Forms of Discrimination against Women.

Annex III

Report of the Working Group on Communications under the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women on its third session

1. The Working Group on Communications under the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women held its third session from 7 to 9 January 2004. All members of the Working Group, except Aida Gonzalez Martinez, attended. Hanna Beate Schöpp-Schilling continued to serve as Chairperson of the Working Group.

2. At its first meeting, the Working Group amended and adopted its agenda (see appendix).

I. Summary of discussions

3. The Chief of the Women's Rights Section of the Division for the Advancement of Women introduced a note by the secretariat on steps taken and developments since the second session of the Working Group (CEDAW/C/2004/I/WGCOP/WP.1) and a background note on the practice of other human rights treaty bodies concerning interim measures (CEDAW/C/2004/I/WGCOP/WP.2).

4. The Working Group discussed correspondence that had been received by the secretariat since the second session. It indicated that, in future, the secretariat's note should provide more information about correspondence asserting claims against States parties to the Optional Protocol, including correspondence failing to meet prima facie admissibility requirements, and the secretariat's replies to authors. Files containing such correspondence should be easily accessible to members of the Working Group during its sessions.

5. The Working Group discussed further ways to disseminate information about the communications procedure under the Optional Protocol, including through national human rights institutions, national machineries for the advancement of women and non-governmental organizations.

6. The Working Group discussed the rules on the confidentiality of its proceedings and their applicability to the members of the Working Group and the Committee on the Elimination of Discrimination against Women on the one hand, and the author(s) and State party on the other. The Working Group agreed that, as stated in rule 74 of the rules of procedure, confidentiality requirements concerning information relating to the proceedings did not apply to the State party or the author(s), unless the Committee or Working Group requested otherwise, whereas members of the Committee or Working Group are required to maintain strict confidentiality.

7. The Working Group discussed rule 60 of the rules of procedure, particularly rule 60(1)(c) concerning the proscription upon a member taking part in the examination of a communication when she/he is a national of the State party concerned. The Working Group considered that a member of the Working Group

who is a national of the State party concerned may remain in the room during consideration of the relevant communication.

8. The Working Group agreed on procedures for its intersessional work in regard to new communications. In particular, the Working Group agreed that it would receive regular updates from the secretariat on correspondence that could be considered for registration. As a consequence, the Working Group confirmed that it would not appoint a rapporteur on new communications at the current stage. Decisions on intersessional registration of new communications would be taken following consultation via e-mail with members of the Working Group.

9. In discussing interim measures, the Working Group emphasized the need to obtain responses from States parties concerned within a specified time period.

10. The Working Group discussed pending communications, one of which had been registered since its last session.

II. Decisions taken by the Working Group

11. The Working Group decided:

(a) That requests for interim measures shall include a request for a reply on steps taken from the State party concerned within a specified time period;

(b) To register its third communication.

12. The Working Group also decided to request the secretariat to do the following:

(a) To include in its regular report to the Working Group more information about correspondence received in the Division. That information should be provided in three categories: (i) correspondence in relation to States that are not parties to the Optional Protocol (the number of letters and the States to which they refer); (ii) correspondence failing to meet other prima facie admissibility requirements in regard to which no further correspondence with the author(s) is recommended; two staff members must concur on such a determination; and (iii) correspondence asserting claims against States parties to the Optional Protocol, in relation to which the secretariat sought further information from the author;

(b) To include in correspondence to authors and States parties a reference to the two annual sessions and the dates of the upcoming session of the Committee and Working Group;

(c) To disseminate the Convention, the Optional Protocol and the model communications form to national human rights institutions, national machineries for the advancement of women and national ombudspersons;

(d) To intensify and accelerate its efforts to ensure the effective functioning of the interactive database on communications between the Division and the Office of the United Nations High Commissioner for Human Rights;

(e) To continue to regularly provide summaries and other relevant documents to the members of the Working Group during the intersessional period.

13. The Working Group decided that the provisional agenda for its sessions would include the following items:

1. Adoption of the agenda and organization of work.
2. Review of steps and activities undertaken since the last session.
3. Review and discussion of working methods.
4. Update on communications.
5. Any other matters.
6. Adoption of the provisional agenda for the next session, including dates and duration, and of the report of the Working Group.

14. The Working Group confirmed that its next session would be held from 30 June to 2 July 2004.

III. Further issues to be considered

15. The Working Group agreed to consider further the need for financial support to women who are unable to correspond in official United Nations languages when submitting complaints under the Optional Protocol.

Appendix

Agenda of the third session of the Working Group on Communications under the Optional Protocol

1. Adoption of the agenda and organization of work.
2. Discussion of note by the secretariat.
3. Review and discussion of working methods.
4. Update of communication 2/2003.
5. Update of communication 1/2003.
6. Any other matters.
7. Adoption of the report of the Working Group on its third session.

Annex IV

Overview of the current working methods of the Committee on the Elimination of Discrimination against Women

I. Introduction

1. Since its first session, in 1982, the Committee has made a concerted effort to develop appropriate working methods. These methods continue to evolve.

2. The present overview is designed to make the current working methods more transparent and readily accessible to States parties and others interested in the implementation of the Convention, including United Nations organizations, programmes and funds and civil society organizations.

II. Guidelines for reporting by States parties

3. The Committee has adopted reporting guidelines to assist States parties in the preparation of initial and subsequent periodic reports.[a] The Committee strongly encourages all States parties to submit reports in accordance with these guidelines. This will reduce the need for the Committee to request further information when it considers a report and will help the Committee to consider the situation regarding human rights in every State party on an equal basis. The Committee keeps these guidelines under review and updates them as appropriate.

4. Reports should be as concise as possible. Initial reports should be no more than 100 pages long and should deal specifically with every article of the Convention. Periodic reports should be no more than 70 pages long and generally should focus on the period between the consideration of the previous report and the current report, using the concluding comments on the previous report as their starting point and highlighting new developments. Where a State party has prepared a core document,[b] this will be available to the Committee.

5. The Committee recommends that States parties consult national non-governmental organizations in the preparation of their reports. It requests that reports of States parties describe the situation of non-governmental organizations and women's associations and their participation in the implementation of the Convention and the preparation of the report.

III. Consideration of reports of States parties by the Committee

6. The Committee usually invites eight States parties to present their reports at each session, taking into account the criteria of preference to be given to those States parties whose reports have been pending for the longest time, the need to give priority to initial reports and the desirability of a balance of reports in terms of geographic and other factors. The Committee usually selects the reports two sessions in advance of consideration and considers a mix of initial and periodic reports at each session.

A. Pre-session working group

7. A pre-session working group of the Committee, with the support of the secretariat, draws up short lists of issues and questions with regard to periodic reports which the Committee will consider at its next session, focusing on major areas of concern in regard to the implementation of the Convention by the States parties concerned. The lists of issues and questions are intended to facilitate the preparations by States parties for constructive dialogues with the Committee, to provide a focus for the dialogue with representatives of the reporting States and to improve the efficiency of the reporting system.

8. In order to provide the States parties with the lists of issues and questions well in advance, the pre-session working group meets for five days (in closed meetings) after the session prior to the one at which the periodic reports will be considered. The working group is normally composed of five members of the Committee, taking account of the desirability of a balanced geographical distribution and other relevant factors.

9. Representatives of the specialized agencies and bodies of the United Nations system, as well as national and international non-governmental organizations, are invited to provide country-specific information to the pre-session working group on those States parties whose reports are before the group.

10. The lists of issues and questions are promptly sent to the States parties concerned, usually within a week after the pre-session working group concludes its work. States parties are invited to provide their responses within six weeks thereafter. The lists of issues and questions, together with the responses from States parties, are circulated to members of the Committee prior to the session at which the reports are to be examined.

B. Constructive dialogue

11. The Committee intends its consideration of a report to take the form of a constructive dialogue with representatives of the reporting State, the aim of this dialogue being to improve the situation pertaining to Convention rights in that State. Therefore, not only are representatives of the reporting States entitled to be present, but indeed their presence and participation are necessary at the meetings of the Committee when their countries' reports are examined.

12. In general, the Committee devotes up to three open meetings (of three hours each) to its consideration of initial reports. Representatives of the State party are invited to make introductory comments for a maximum of 45 minutes. This introduction is followed by one or two meetings in which experts pose questions in respect of the individual articles of the Convention. Experts seek to avoid duplicating questions and intervening under each article. Several days later, at the third meeting, the State party presents its replies — in writing and orally — to those questions.

13. Representatives of States parties presenting periodic reports are invited to make introductory comments for a maximum of 30 minutes. In the consideration of periodic reports, questions by experts are then clustered in accordance with the four substantive parts of the Convention, namely part I: articles 1 to 6; part II: articles 7 to 9; part III: articles 10 to 14; and part IV: articles 15 to 16. After several experts pose questions under a cluster, the State party is given an opportunity to respond;

the next round of questions and answers follows until all clusters have been covered. Experts seek to avoid duplicating questions and intervening under each cluster and also seek to focus on issues identified by the pre-session working group. In general, the Committee devotes two open meetings to its consideration of periodic reports.

14. Interventions by experts during the constructive dialogue are limited to three minutes. The time limit is monitored by a speech timer but is enforced flexibly. While the Committee does not yet have a formal follow-up procedure for its concluding comments, it routinely asks States parties about the steps taken to follow up on the concluding comments adopted following consideration of the State party's previous report.

15. The Committee does not, at this stage, consider a report in the absence of representatives of a State party. Neither does the Committee consider the implementation of the Convention in a State party in the absence of a report.

16. Individual members of the Committee refrain from participating in any aspect of the consideration of the reports of the States of which they are nationals in order to maintain the highest standards of impartiality, both in substance and appearance.

C. Concluding comments

17. The Committee adopts concluding comments on the reports of States parties that it considers. For this purpose, the Committee holds a closed meeting after the constructive dialogue with each State party to consider the main issues to be reflected in the concluding comments for that State. The member of the Committee designated as the country rapporteur for the report(s) of that State party then prepares, for the consideration of the Committee, a draft of the concluding comments, with the general rapporteur of the Committee and with the support of the secretariat. The Committee discusses the draft concluding comments in closed meetings.

18. Concluding comments usually follow a standard format under the headings referred to below. The introduction usually indicates whether the report complied with the Committee's reporting guidelines; refers to any reservations to the Convention entered by the State party; notes the level of the delegation and the quality of the dialogue; and indicates whether the report mentions implementation of the Beijing Platform for Action and/or the twenty-third special session of the General Assembly. A section on positive aspects is generally organized in accordance with the order of the articles of the Convention. A section on factors and difficulties affecting the implementation of the Convention is included only in the most exceptional circumstances. The last section of the concluding comments, on principal areas of concern and recommendations, is presented in the order of importance of the particular issues to the country under review and provides concrete proposals from the Committee on the concerns identified.

19. All concluding comments include a recommendation relating to dissemination, requesting the wide dissemination of the concluding comments in the State party concerned, and also a paragraph requesting that information be included in the State party's next periodic report on the implementation of aspects of outcomes of United Nations conferences, summits and special sessions of review. The concluding comments also set out the date when the State party's next periodic report is due.

20. The Committee's concluding comments are preceded by a summary of the State party's introductory statement to the Committee. This factual summary is prepared by the secretariat.

21. Each concluding comment is internally balanced, and the Committee strives to achieve consistency and balance, particularly in terms of praise and expressions of concern, among the concluding comments elaborated at each session.

22. The concluding comments are transmitted to the State party concerned promptly after the close of the session. They are then made available to all interested parties and included in the Committee's annual report to the General Assembly. They are also made available on the web site of the Division for the Advancement of Women.

IV. Strategies to encourage reporting by States parties

23. The Committee has adopted a number of measures to address the challenges posed to the treaty monitoring process by the significant number of outstanding and overdue reports. On an exceptional basis and as a temporary measure in order to encourage States parties to fulfil their reporting obligations under article 18 of the Convention as well as to address the backlog of reports awaiting consideration, States parties are invited to combine all their outstanding reporting obligations into a single document. The Committee's Chairperson also sends reporting reminders to States parties whose initial reports are more than five years overdue. United Nations and other entities are encouraged to provide technical assistance in order to support States parties, at their request, in the implementation of their reporting obligations under the Convention. The Committee keeps these measures under review and modifies them as appropriate.

V. Interaction with specialized agencies and bodies of the United Nations

24. Since its second session, the Committee has invited specialized agencies of the United Nations system to cooperate in its work. The Committee and the pre-session working group invite specialized agencies and United Nations bodies to provide reports containing country-specific information on States parties whose reports are before them. Representatives of these entities are invited to address the Committee in a closed meeting at the beginning of each of its sessions. They are also invited to address the pre-session working group. The Committee finds it most beneficial to be given written reports, the contents of which are highlighted by the representatives of the specialized agency or United Nations body concerned during the closed meetings with the Committee or working group. The Committee has adopted guidelines for the reports of specialized agencies and United Nations bodies in order to enhance its cooperation with them.[c]

25. The Committee recommends that specialized agencies and other entities of the United Nations system with field representation work with non-governmental organizations to disseminate information on the Convention and on the work of the Committee. The Committee continues to explore cooperation in relation to field-

level activities and to develop further ways of integrating the Convention into the work of the United Nations system.

VI. Participation of non-governmental organizations in the activities of the Committee

26. Since its early sessions, the Committee has invited non-governmental organizations to follow its work. In order to ensure that it is as well informed as possible, the Committee invites representatives of national and international non-governmental organizations to provide country-specific information on States parties whose reports are before it. National and international non-governmental organizations are also invited to provide country-specific information to the pre-session working group on those States parties whose reports are before the group. Such information may be submitted in writing at any time, preferably in advance of the relevant session or working group. In addition, the Committee sets aside time at each of its sessions, usually at the beginning of the first and second week of the session, to enable representatives of non-governmental organizations to provide oral information. The pre-session working group also provides an opportunity for non-governmental organizations to provide oral information. The Committee encourages international non-governmental organizations and United Nations organizations, funds and programmes to facilitate attendance at Committee sessions by representatives of national non-governmental organizations.

VII. General recommendations

27. Article 21 of the Convention provides that the Committee may make suggestions and general recommendations based on the examination of reports and information received from States parties. General recommendations are normally directed at States parties and usually elaborate the Committee's view of the content of the obligations assumed by States as parties to the Convention.[d] The Committee elaborates general recommendations on articles or themes/issues of the Convention. Most of these outline matters which the Committee wishes to see addressed in the reports of States parties, and seek to provide detailed guidance to States parties on their obligations under the Convention and the steps that are required for compliance.

28. As at 30 January 2004, the Committee has adopted 25 general recommendations.[e] Those adopted during the Committee's first 10 years were short, addressing such issues as the content of reports, reservations to the Convention and resources for the Committee. At its tenth session, in 1991, the Committee decided to adopt the practice of issuing general recommendations on specific provisions of the Convention and on the relationship between the Convention articles and themes/issues. Following that decision, the Committee issued more detailed and comprehensive general recommendations which offer States parties clear guidance on the application of the Convention in particular situations. Comprehensive general recommendations have been adopted on violence against women (No. 19), equality in marriage and family relations (No. 21), women in public life (No. 23), access to health care (No. 24) and temporary special measures (No. 25).

29. In 1997, the Committee adopted a three-stage process for the formulation of general recommendations. The first stage consists of an open dialogue between the Committee, non-governmental organizations and others on the topic of the general recommendation. Specialized agencies and other bodies of the United Nations system, as well as NGOs are encouraged to participate in this discussion and to submit informal background papers. A Committee member is then asked to draft the general recommendation, which is discussed at the next or a subsequent session of the Committee. Resource persons may be invited to participate in the discussion. At a following session, the revised draft is adopted by the Committee.

VIII. Statements adopted by the Committee

30. With a view to assisting States parties to the Convention, the Committee adopts statements to clarify and confirm its position with respect to major international developments and issues that bear upon the implementation of the Convention. These statements have dealt with issues such as reservations, gender and racial discrimination, solidarity with Afghan women, gender and sustainable development, discrimination against older women, and the situation of women in Iraq.

IX. Optional Protocol to the Convention

31. Since the Optional Protocol to the Convention entered into force on 10 December 2000, the Committee allocates time at each session to consider issues arising thereunder. The Committee has appointed a five-member Working Group on Communications under the Optional Protocol. The Working Group has prepared a model form for submission of a communication.[1] As at 30 January 2004, it has registered three communications and also taken a number of decisions with regard to its methods of work.

X. Other matters

32. The Committee continues to interact and coordinate activities with other human rights treaty bodies and mechanisms. It seeks the comments of other treaty bodies on its draft general recommendations and provides comments on their draft general recommendations/comments when invited to do so. Members of the Committee participate in relevant general discussion days held by other treaty bodies. The Committee holds discussions and exchanges views with other human rights mechanisms, including the special rapporteurs of the Commission on Human Rights on adequate housing, and violence against women, its causes and consequences.

33. The Chairperson of the Committee participates, on behalf of the Committee, in a number of meetings, including the annual sessions of the General Assembly, the Commission on Human Rights and the Commission on the Status of Women as well as meetings of persons chairing human rights treaty bodies. The Chairperson and other members of the Committee also participate in the inter-committee meetings of treaty bodies.

34. In addition to the two annual sessions, in January and July, at United Nations Headquarters, informal meetings of the members of the Committee, funded through extrabudgetary resources, are held from time to time. During such meetings, Committee members have focused mainly on enhancing the working methods of the Committee, including revision of reporting guidelines, and preparation of the Committee's rules of procedure under the Optional Protocol. To date (30 January 2004), three such meetings have been convened, and a fourth is in preparation.

35. As part of the many efforts to encourage and support the implementation of the Convention, members of the Committee participate in technical assistance activities, at the request of States, organized by the Division for the Advancement of Women, by the Office of the United Nations High Commissioner for Human Rights and by regional United Nations bodies. These activities focus essentially on ratification of the Convention and the Optional Protocol, reporting under the Convention and on follow-up to the Committee's concluding comments.

Notes

[a] The Committee adopted revised reporting guidelines at its twenty-seventh session, in June 2002, which are effective for all reports submitted after 31 December 2002 and replace all earlier guidelines, which were first issued in 1983 and 1988 and revised in 1995 and 1996. For the text of the revised reporting guidelines, see *Official Records of the General Assembly, Fifty-seventh Session, Supplement No. 38* (A/57/38), part two, annex. They are also available on the web site of the Division for the Advancement of Women at http://www.un.org/womenwatch/daw/cedaw/reporting.htm.

[b] For the guidelines for the core document, see HRI/GEN/2/Rev.1 and Add.1 and 2.

[c] See *Official Records of the General Assembly, Fifty-sixth Session, Supplement No. 38* (A/56/38), part two, paras. 392-395.

[d] Suggestions are usually addressed to United Nations entities.

[e] The texts of the general recommendations are available on the web site of the Division for the Advancement of Women at http://www.un.org/womenwatch/daw/cedaw/recommendations.htm.

[f] The form is available on the web site of the Division for the Advancement of Women, at http://www.un.org/womenwatch/daw/cedaw/protocol/crpl-communic.pdf, as well as in the report of the Committee on its twenty-sixth session (see *Official Records of the General Assembly, Fifty-seventh Session, Supplement No. 38* (A/57/38), part one, para. 407).